

HB 3481 -- CONDITIONS OF RELEASE FROM CUSTODY IN CRIMINAL PROCEEDINGS

SPONSOR: Costlow

This bill amends Supreme Court Rule 33.01 relating to conditions of release from custody in criminal proceedings. Currently, when considering the least restrictive condition for release, the court must first consider non-monetary conditions and may consider monetary conditions only if the non-monetary conditions alone will not secure the appearance of the defendant or the safety of the community or certain persons. After considering the defendant's ability to pay, a monetary condition fixed at more than is necessary to secure the appearance of the defendant at trial or the safety of the community or certain persons is impermissible.

The bill repeals this provision and provides that the court will have discretion to impose monetary or non-monetary conditions of release as the court determines appropriate under the individual circumstances of the defendant and the case. However, in making this determination, the court must give substantial weight to certain factors specified in the bill. The court will not be required to exhaust non-monetary conditions before setting monetary conditions if those conditions are necessary to reasonably assure the appearance of the defendant and protect the safety of the public or certain persons. The discretion of the court under this rule will be presumed to be valid and will not be disturbed upon review absent a clear abuse.

This bill will become effective on January 1, 2027.

This bill is similar to SB 1057 (2026).