

SECOND REGULAR SESSION

HOUSE BILL NO. 1867

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DENISON (Sponsor), POLLOCK, WELLS, SCHIEFFER,
MEADOWS, FALLERT, McDONALD, HODGES, JONES (63), FRANZ AND LANT (Co-sponsors).

5838L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 544.455, RSMo, and to enact in lieu thereof one new section relating to bail bonds.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 544.455, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 544.455, to read as follows:

544.455. 1. Any person charged with a bailable offense, at his or her appearance before an associate circuit judge or judge may be ordered released pending trial, appeal, or other stage of the proceedings against him on his personal recognizance, unless the associate circuit judge or judge determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required. When such a determination is made, the associate circuit judge or judge may either in lieu of or in addition to the above methods of release, impose any or any combination of the following conditions of release which will reasonably assure the appearance of the person for trial:

(1) Place the person in the custody of a designated person or organization agreeing to supervise him;

(2) Place restriction on the travel, association, or place of abode of the person during the period of release;

(3) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof **by a defendant or a third party; however, under article I, section 20 of the Missouri Constitution, the court shall accept in lieu of a cash only bond a guarantee from any surety who is in compliance with general laws regulating such profession;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (4) Require the person to report regularly to some officer of the court, or peace officer,
18 in such manner as the associate circuit judge or judge directs;

19 (5) [Require the execution of a bond in a given sum and the deposit in the registry of the
20 court of ten percent, or such lesser percent as the judge directs, of the sum in cash or negotiable
21 bonds of the United States or of the state of Missouri or any political subdivision thereof;

22 (6)] Place the person on house arrest with electronic monitoring, except that all costs
23 associated with the electronic monitoring shall be charged to the person on house arrest. If the
24 judge finds the person unable to afford the costs associated with electronic monitoring, then the
25 judge shall not order that the person be placed on house arrest with electronic monitoring;

26 [(7)] (6) Impose any other condition deemed reasonably necessary to assure appearance
27 as required, including a condition requiring that the person return to custody after specified
28 hours.

29 2. In determining which conditions of release will reasonably assure appearance, the
30 associate circuit judge or judge shall, on the basis of available information, take into account the
31 nature and circumstances of the offense charged, the weight of the evidence against the accused,
32 the accused's family ties, employment, financial resources, character and mental condition, the
33 length of his residence in the community, his record of convictions, and his record of appearance
34 at court proceedings or flight to avoid prosecution or failure to appear at court proceedings.

35 3. An associate circuit judge or judge authorizing the release of a person under this
36 section shall issue an appropriate order containing a statement of the conditions imposed, if any,
37 shall inform such person of the penalties applicable to violations of the conditions of his release
38 and shall advise him that a warrant for his arrest will be issued immediately upon any such
39 violation.

40 4. A person for whom conditions of release are imposed and who after twenty-four hours
41 from the time of the release hearing continues to be detained as a result of his inability to meet
42 the conditions of release, shall, upon application, be entitled to have the condition reviewed by
43 the associate circuit judge or judge who imposed them. The motion shall be determined
44 promptly.

45 5. An associate circuit judge or judge ordering the release of a person on any condition
46 specified in this section may at any time amend his order to impose additional or different
47 conditions of release; except that, if the imposition of such additional or different conditions
48 results in the detention of the person as a result of his inability to meet such conditions or in the
49 release of the person on a condition requiring him to return to custody after specified hours, the
50 provisions of subsection 4 **of this section** shall apply.

51 6. Information stated in, or offered in connection with, any order entered pursuant to this
52 section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

53 7. Nothing contained in this section shall be construed to prevent the disposition of any
54 case or class of cases by forfeiture of collateral security where such disposition is authorized by
55 the court.

56 8. Persons charged with violations of municipal ordinances may be released by a
57 municipal judge or other judge who hears and determines municipal ordinance violation cases
58 of the municipality involved under the same conditions and in the same manner as provided in
59 this section for release by an associate circuit judge.

60 9. A circuit court may adopt a local rule authorizing the pretrial release on electronic
61 monitoring pursuant to subdivision (6) of subsection 1 of this section in lieu of incarceration of
62 individuals charged with offenses specifically identified therein.

✓