

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 785, Page 3, Section 8.178, Line 8, by inserting
2 after said section and line the following:

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4 "544.453. Notwithstanding any provision of the law or court rule, the following shall apply when a
5 judge or judicial officer sets bail in all courts in Missouri and shall be applicable to all offenses charged:

6 (1) When setting bail and conditions of release in Missouri, consideration of public safety shall be
7 the paramount consideration;

8 (2) There shall be no requirement that anything but probable cause be established for an arrest
9 warrant to be sought and issued;

10 (3) A release on one's own recognizance shall consist of the defendant's signature and promise to
11 appear in court as required and also to comply with all nonmonetary conditions of release without having to
12 post any cash, surety, or property as security or being required to later pay the same upon failing to appear in
13 court or comply with nonmonetary conditions of release;

14 (4) There shall be no presumptions in favor of release on one's own recognizance in any category of
15 offenses, specific offenses, or gradations of offenses. Judges shall have discretion to release a defendant on
16 his or her own recognizance if permitted by law;

17 (5) There shall be a presumption against release on one's own recognizance with or without
18 nonmonetary conditions of release that may be overcome by clear and convincing evidence that a person is
19 not a flight risk or danger to the community in the following circumstances:

20 (a) A person has been convicted of a prior felony, sexual offense, or violent charge within the past
21 five years;

22 (b) A person is already on bond on a pending charge;

23 (c) A person is on probation or parole;

24 (d) A person has committed continuing or severe acts of arson, rioting, or looting, which may
25 endanger public safety if released;

26 (e) A person has failed to appear in court as required once in the previous three years; and

27 (f) The results of a risk assessment tool or process, if available, indicate that the person is not low
28 risk; and

29 (6) Partially secured bonds, bonds in the sum of ten percent to the court, or unsecured bonds shall
30 not be permitted in Missouri. A judge shall set bail in a single monetary amount, which shall be fully secured
31 by the defendant in a method of the defendant's choosing, including cash, property, or a surety bond, or a
32 combination thereof. Courts shall not be permitted to discriminate against a defendant due to the defendant's
33 selection of a type of bond, whether it be cash, property, or a surety bond, in order to fully secure the
34 defendant's release as required and shall not require a particular type of bond."; and

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36 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Action Taken _____ Date _____