

HCS HB 946 -- RELEASE OF A DEFENDANT

SPONSOR: Hill

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Litigation Reform by a vote of 9 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 9 to 1.

The following is a summary of the House Committee Substitute for HB 946.

This bill establishes certain provisions that will apply when a judge or judicial officer sets bail in all courts in Missouri. The provisions include there not being a presumption in favor of release on one's own recognizance in any category of offenses, specific offenses, or gradations of offenses. The bill also provides certain circumstances in which there must be a presumption against release on one's own recognizance and such presumption may be overcome by clear and convincing evidence that a person is not a flight risk or a danger to the community.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that the bill balances the importance of public safety with fairness. The bill still protects people without resources to post bond. However, the bill will limit the category of individuals who have access to be released on their own recognizance by placing a presumption against being released based on the circumstances. The bill relieves some pressure off of sheriffs who have to waste time and the limited resources they have to attempt to find defendants who fail to appear for court.

Testifying for the bill were Representative Hill; Missouri Fraternal Order of Police; Tiffany L. Marler, Nomoretears21:4; Tiffany L. Marler Special Forces Of Liberty; Jeff Clayton, American Bail Coalition; Larry Newman, Missouri Alliance of Professional Bail Bond Agents; Daniel Mense, Coalition of Surety Agents of Missouri; and American Bail Coalition.

OPPOSERS: Those who oppose the bill say that the bill will cause more individuals to stay in jail which will cost taxpayers' more money. This will also put many defendants in a difficult position where they will not have enough money to pay for their bond and pay for an attorney. Consequently, this could increase the workload on the Public Defender's Office. The bill forces defendants to prove a negative.

Testifying against the bill were Arnie Dienoff; American Civil Liberties Union of Missouri; and Missouri Association of Criminal Defense Lawyers.

OTHERS: Others testifying on the bill say the bill can cause an increase in the caseload of the Public Defender's Office. There are already certain rules in place and they are working on fixing the issues the bill is trying to address.

Testifying on the bill was Missouri State Public Defender's Office.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.