

SECOND REGULAR SESSION

# HOUSE BILL NO. 1891

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ROGERS.

3663H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 544.455, RSMo, and to enact in lieu thereof one new section relating to conditions of release to assure appearance before trial.

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Section A. Section 544.455, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 544.455, to read as follows: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

(4) Require the person to report regularly to some officer of the court~~]~~ or peace officer, in such manner as the associate circuit judge or judge directs. **Such officer of the**

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 **court or peace officer shall be an employee of the state or a political subdivision of the**  
18 **state;**

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

23 (6) Place the person on house arrest with electronic monitoring; except that all costs  
24 associated with the electronic monitoring shall be charged to the person on house arrest. If  
25 the judge finds the person unable to afford the costs associated with electronic monitoring, the  
26 judge may order that the person be placed on house arrest with electronic monitoring if the  
27 county commission agrees to pay from the general revenue of the county the costs of such  
28 monitoring. If the person on house arrest is unable to afford the costs associated with  
29 electronic monitoring and the county commission does not agree to pay the costs of such  
30 electronic monitoring, the judge shall not order that the person be placed on house arrest with  
31 electronic monitoring;

32 (7) Impose any other condition deemed reasonably necessary to assure appearance as  
33 required, including a condition requiring that the person return to custody after specified  
34 hours.

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

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

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

52 5. An associate circuit judge or judge ordering the release of a person on any  
53 condition specified in this section may at any time amend his order to impose additional or

54 different conditions of release; except that, if the imposition of such additional or different  
55 conditions results in the detention of the person as a result of his inability to meet such  
56 conditions or in the release of the person on a condition requiring him to return to custody  
57 after specified hours, the provisions of subsection 4 of this section shall apply.

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

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

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

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

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