

SECOND REGULAR SESSION

HOUSE BILL NO. 2390

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOK.

5160H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 544, RSMo, by adding thereto one new section relating to the release of a defendant.

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

Section A. Chapter 544, RSMo, is amended by adding thereto one new section, to be known as section 544.453, to read as follows:

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

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

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

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

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

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

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

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

24 **(c) A person is on probation or parole;**

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

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

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

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

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