

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 374

AN ACT

To repeal section 544.665, RSMo, and to enact in lieu thereof two new sections relating to the conditional release of offenders, with penalty provisions.

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

Section A. Section 544.665, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 217.845 and 544.665, to read as follows:

217.845. Notwithstanding any provision of law to the contrary, any funds received by an offender from the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. 116-136, or any subsequent federal stimulus funding relating to severe acute respiratory syndrome coronavirus 2 or a virus mutating therefrom, shall be used by the offender to make restitution payments ordered by a court resulting from a conviction of a violation of any local, state, or federal law.

544.665. 1. In addition to the forfeiture of any security which was given or pledged for a person's release, any person who, having been released upon a recognizance or bond pursuant to any other provisions of law while pending preliminary hearing, trial, sentencing, appeal, probation or parole revocation, or any other stage of a criminal matter against him or her, knowingly fails to appear before any court or judicial officer as required shall be guilty of the [crime] offense of failure to appear, including a person who has been granted release pending trial and violates conditions of release imposed by the court by:

(1) Failing to appear for any court appearance;

(2) Being arrested or formally charged with any new criminal offense; or

(3) Violating any condition of release that the court has placed on the person to secure the appearance of the person at trial, or at any other stage of the criminal proceedings and to secure the safety of the community or other person, including but not limited to the crime victims and witnesses.

2. Failure to appear is:

(1) A class E felony if the criminal matter for which the person was released included a felony;

(2) A class A misdemeanor if the criminal matter for which the person was released includes a misdemeanor or misdemeanors but no felony or felonies;

(3) An infraction if the criminal matter for which the person was released includes only an infraction or infractions;

(4) An infraction if the criminal matter for which the person was released includes only the violation of a municipal ordinance, provided that the sentence imposed shall not exceed the maximum fine which could be imposed for the municipal ordinance for which the accused was arrested.

3. Nothing in sections 544.040 to 544.665 shall prevent the exercise by any court of its power to punish for contempt.

4. It shall be presumed that a person charged under subdivision (1) subsection 2 of this section who committed a dangerous felony pursuant to section 556.061, will not appear upon a summons; or poses a danger to a crime victim, the community, or any other person and upon a court finding of probable cause of a violation of this section, an arrest warrant shall be issued.

5. The filing of an information, complaint, or indictment, including a charge or charges for violation of subdivision (1) subsection 2 of this section in which a person committed a dangerous felony pursuant to section 556.061, creates a rebuttable presumption that no combination of conditions will secure the safety of the community or other person, including but not limited to crime victims and witnesses, and the offender shall be detained pending trial.