

HB 1335 -- MONEY BAIL REFORM ACT OF 2018

SPONSOR: Peters

This bill adds provisions requiring arrested individuals to be taken before a magistrate within 48 hours after arrest, subject to exceptions. A pretrial services agency, which each county or city not within a county shall establish, shall be required to conduct a risk assessment, using a risk assessment tool, on an arrested individual within 24 hours of the individual's arrest and the agency shall prepare a report with recommendations for conditions of release. Individuals arrested and booked into jail for a dangerous felony shall not be considered for release until the individual appears before a judge or magistrate, as specified in the bill, and the pretrial services agency shall not prepare a risk assessment report on the individual, subject to exceptions specified in the bill. The bill specifies various factors a judge or magistrate must consider in making pretrial release or detention decisions. The bill also specifies circumstances in which a prosecuting attorney may file a motion with the court for pretrial detention of a defendant.

Monetary bail shall not be accepted unless a judge or magistrate finds that no portion of the consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was feloniously obtained. The bail of any defendant found to have willfully misled the court regarding the source of bail may be increased as a result of the willful misrepresentation. The defendant shall not be released from custody under his or her own recognizance with no further conditions, or released with a further condition or conditions, until the defendant files with the clerk of the court or other person authorized to accept bail a signed release agreement that includes certain information specified in the bill.