

HB 1519 -- RELEASE OF A DEFENDANT

SPONSOR: Evans

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 16 to 1.

This bill specifies that a person charged with a bailable offense may be ordered released on his or her own recognizance unless the judge first determines that such release will not assure the defendant's appearance or that, if released on any charge or violation, the defendant would pose a danger to a crime victim, the community, any witness to the crime, or to any other person. When release on one's own recognizance will not reasonably assure appearance, the judge may impose any condition specified in the bill, including a condition established by rule of the Supreme Court of Missouri.

The bill adds to the list of existing factors a judge must consider when determining condition of release, the defendant's ability to pay and any other factor or tool approved by rule or order of the Supreme Court of Missouri.

In determining whether a defendant poses a danger, the judge must consider all relevant evidence, including factors specified in the bill.

PROPOSERS: Supporters say that this legislation unties the hands of judges, which the new Supreme Court Rules tied. This assures that local judges have discretion to release people or require a bond. On the whole, prosecutors are pleased with the new rules, but this would clarify things for judges who might think they are required to release people.

Testifying for the bill were Representative Evans; Missouri Alliance of Professional Bail Bond Agents and Missouri Bail Association; and Missouri Association of Prosecuting Attorneys and Missouri Office of Prosecutor Service.

OPPOSERS: There was no opposition voiced to the committee.