

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill Nos. 53 & 60, Page 66, Section 510.521, Line 2, by inserting after said section and line  
3 the following:  
4

5 "544.453. Notwithstanding any provision of the law or court rule, the following shall apply  
6 when a judge or judicial officer sets bail in all courts in Missouri and shall be applicable to all  
7 offenses charged:

8 (1) When setting bail and conditions of release in Missouri, consideration of public safety  
9 shall be given considerable weight;

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

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

17 (4) There shall be a presumption against release on one's own recognizance with or without  
18 nonmonetary conditions of release that may be overcome by clear and convincing evidence that a  
19 person is not a flight risk or danger to the community. In determining whether a person is a flight  
20 risk or poses a danger to the community, the judge shall consider whether:

21 (a) A person has been convicted of a prior felony, sexual offense, or violent charge within  
22 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 looting, which  
26 may endanger public safety if released;

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

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

31 (5) A judge shall set bail in a single monetary amount, which shall be fully secured by the  
32 defendant in a method of the defendant's choosing, including cash, a ten percent cash bond to the  
33 court, or a surety bond;

34 (6) Unless otherwise agreed to by the prosecuting or circuit attorney and the defendant, a  
35 judge shall not impose a ten percent cash bond to the court when a defendant:

36 (a) Has a prior dangerous felony conviction within the past five years;

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 (b) Has previously been found guilty of the offense of failure to appear in court on a felony  
2 charge within the past two years;

3 (c) Is charged with a new felony while already out on bond of any type; or

4 (d) Is charged with a dangerous felony offense.

5 544.665. 1. In addition to the forfeiture of any security which was given or pledged for a  
6 person's release, any person who, having been released upon a recognizance or bond pursuant to any  
7 other provisions of law while pending preliminary hearing, trial, sentencing, appeal, probation or  
8 parole revocation, or any other stage of a criminal matter against him or her, knowingly fails to  
9 appear before any court or judicial officer as required shall be guilty of the ~~[crime]~~ offense of failure  
10 to appear, including a person who has been granted release pending trial and violates conditions of  
11 release imposed by the court by:

12 (1) Failing to appear for any court appearance;

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

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

18 2. Failure to appear is:

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

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

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

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

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

31 4. It shall be presumed that a person charged with a dangerous felony pursuant to section  
32 556.061 shall not appear upon a summons and poses a danger to a crime victim, the community, or  
33 any other person and upon a court finding of probable cause of a violation of this section, an arrest  
34 warrant shall be issued.

35 5. The filing of an information, complaint, or indictment, supported by probable cause that a  
36 person committed a dangerous felony pursuant to section 556.061, creates a rebuttable presumption  
37 that no combination of conditions will secure the safety of the community or other person, including  
38 but not limited to crime victims and witnesses, and the offender shall be detained pending trial.";  
39 and

40  
41 Further amend said bill, Page 70, Section 558.011, Line 25, by deleting the number "(1)" and  
42 inserting in lieu thereof the number "[~~(1)~~]"; and

43  
44 Further amend said bill, page, and section, Lines 28-58, by deleting said lines and inserting in lieu  
45 thereof the following:

46  
47 "of corrections shall consist of a prison term [~~and a conditional release term. The~~  
48 ~~conditional release term of any term imposed under section 557.036 shall be:~~

49 ~~—(a) One-third for terms of nine years or less;~~

1 ~~——(b) Three years for terms between nine and fifteen years;~~

2 ~~——(c) Five years for terms more than fifteen years; and the prison term shall be the remainder~~  
3 ~~of such term. The prison term may be extended by the board of probation and parole pursuant to~~  
4 ~~subsection 5 of this section.~~

5 ~~——(2) "Conditional release" means the conditional discharge of an offender by the board of~~  
6 ~~probation and parole, subject to conditions of release that the board deems reasonable to assist the~~  
7 ~~offender to lead a law-abiding life, and subject to the supervision under the state board of probation~~  
8 ~~and parole. The conditions of release shall include avoidance by the offender of any other offense,~~  
9 ~~federal or state, and other conditions that the board in its discretion deems reasonably necessary to~~  
10 ~~assist the releasee in avoiding further violation of the law.~~

11 ~~——5. The date of conditional release from the prison term may be extended up to a maximum~~  
12 ~~of the entire sentence of imprisonment by the board of probation and parole. The director of any~~  
13 ~~division of the department of corrections except the board of probation and parole may file with the~~  
14 ~~board of probation and parole a petition to extend the conditional release date when an offender fails~~  
15 ~~to follow the rules and regulations of the division or commits an act in violation of such rules.~~  
16 ~~Within ten working days of receipt of the petition to extend the conditional release date, the board of~~  
17 ~~probation and parole shall convene a hearing on the petition. The offender shall be present and may~~  
18 ~~call witnesses in his or her behalf and cross-examine witnesses appearing against the offender. The~~  
19 ~~hearing shall be conducted as provided in section 217.670. If the violation occurs in close proximity~~  
20 ~~to the conditional release date, the conditional release may be held for a maximum of fifteen~~  
21 ~~working days to permit necessary time for the division director to file a petition for an extension~~  
22 ~~with the board and for the board to conduct a hearing, provided some affirmative manifestation of~~  
23 ~~an intent to extend the conditional release has occurred prior to the conditional release date. If at the~~  
24 ~~end of a fifteen-working-day period a board decision has not been reached, the offender shall be~~  
25 ~~released conditionally. The decision of the board shall be final]."; and~~

26  
27 Further amend said bill by amending the title, enacting clause, and intersectional references  
28 accordingly.