

SENATE BILL NO. 374

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR LUETKEMEYER.

1637S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 544.665, RSMo, and to enact in lieu thereof one new section 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Section A. Section 544.665, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 544.665,
3 to read as follows:

544.665. 1. In addition to the forfeiture of any
2 security which was given or pledged for a person's release,
3 any person who, having been released upon a recognizance or
4 bond pursuant to any other provisions of law while pending
5 preliminary hearing, trial, sentencing, appeal, probation or
6 parole revocation, or any other stage of a criminal matter
7 against him or her, knowingly fails to appear before any
8 court or judicial officer as required shall be guilty of the
9 **[crime] offense** of failure to appear, **including a person who**
10 **has been granted release pending trial and violates**
11 **conditions of 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**
14 **criminal offense; or**
- 15 (3) **Violating any condition of release that the court**
16 **has placed on the person to secure the appearance of the**
17 **person at trial, or at any other stage of the criminal**
18 **proceedings and to secure the safety of the community or**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 **other person, including but not limited to the crime victims**
20 **and witnesses.**

21 2. Failure to appear is:

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

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

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

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

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

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

45 5. The filing of an information, complaint, or
46 indictment, including a charge or charges for violation of
47 subdivision (1) subsection 2 of this section in which a
48 person committed a dangerous felony pursuant to section
49 556.061, creates a rebuttable presumption that no
50 combination of conditions will secure the safety of the

51 community or other person, including but not limited to
52 crime victims and witnesses, and the offender shall be
53 detained pending trial.

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