

FIRST REGULAR SESSION

# SENATE BILL NO. 487

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

2277S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

To amend chapter 544, RSMo, by adding thereto one new section relating to the release of a defendant.

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

Section A. Chapter 544, RSMo, is amended by adding thereto  
2 one new section, to be known as section 544.453, to read as  
3 follows:

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

5 (1) When setting bail and conditions of release in  
6 Missouri, consideration of public safety shall be the  
7 paramount consideration;

8 (2) There shall be no requirement that anything but  
9 probable cause be established for an arrest warrant to be  
10 sought and issued;

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

18           (4) There shall be no presumptions in favor of release  
19 on one's own recognizance in any category of offenses,  
20 specific offenses, or gradations of offenses. Judges shall  
21 have discretion to release a defendant on his or her own  
22 recognizance if permitted by law;

23           (5) There shall be a presumption against release on  
24 one's own recognizance with or without nonmonetary  
25 conditions of release that may be overcome by clear and  
26 convincing evidence that a person is not a flight risk or  
27 danger to the community in the following circumstances:

28           (a) A person has been convicted of a prior felony,  
29 sexual offense, or violent charge within the past five years;

30           (b) A person is already on bond on a pending charge;

31           (c) A person is on probation or parole;

32           (d) A person has committed continuing or severe acts  
33 of arson, rioting, or looting, which may endanger public  
34 safety if released;

35           (e) A person has failed to appear in court as required  
36 once in the previous three years; and

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

39           (6) Partially secured bonds, bonds in the sum of ten  
40 percent to the court, or unsecured bonds shall not be  
41 permitted in Missouri. A judge shall set bail in a single  
42 monetary amount, which shall be fully secured by the  
43 defendant in a method of the defendant's choosing, including  
44 cash, property, or a surety bond, or a combination thereof.  
45 Courts shall not be permitted to discriminate against a  
46 defendant due to the defendant's selection of a type of  
47 bond, whether it be cash, property, or a surety bond, in  
48 order to fully secure the defendant's release as required  
49 and shall not require a particular type of bond; and

50           (7) Attorneys shall not be permitted to recover, nor  
51 are courts allowed to enforce, any lien or claim on bail  
52 proceeds deposited with the court, whether it be cash,  
53 property, or a surety bond, within a criminal case. All  
54 proceeds shall be returned to the defendant upon release of  
55 the bond.

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