

SENATE BILL NO. 1785

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HUDSON.

7492S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 544.455, RSMo, and to enact in lieu thereof one new section relating to bond for violent offenders, with penalty provisions.

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

Section A. Section 544.455, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 544.455, to read as follows:

544.455. 1. Any person charged with a bailable offense, at his or her appearance before an associate circuit judge or judge may be ordered released pending trial, appeal, or other stage of the proceedings against him on his personal recognizance, unless the associate circuit judge or judge determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required. When such a determination is made, the associate circuit judge or judge may either in lieu of or in addition to the above methods of release, impose any or any combination of the following conditions of release which will reasonably assure the appearance of the person for trial:

(1) Place the person in the custody of a designated person or organization agreeing to supervise him;

(2) Place restriction on the travel, association, or place of abode of the person during the period of release;

18 (3) Require the execution of a bail bond with
19 sufficient solvent sureties, or the deposit of cash in lieu
20 thereof;

21 (4) Require the person to report regularly to some
22 officer of the court, or peace officer, in such manner as
23 the associate circuit judge or judge directs;

24 (5) Require the execution of a bond in a given sum and
25 the deposit in the registry of the court of ten percent, or
26 such lesser percent as the judge directs, of the sum in cash
27 or negotiable bonds of the United States or of the state of
28 Missouri or any political subdivision thereof;

29 (6) Place the person on house arrest with electronic
30 monitoring; except that all costs associated with the
31 electronic monitoring shall be charged to the person on
32 house arrest. If the judge finds the person unable to
33 afford the costs associated with electronic monitoring, the
34 judge may order that the person be placed on house arrest
35 with electronic monitoring if the county commission agrees
36 to pay from the general revenue of the county the costs of
37 such monitoring. If the person on house arrest is unable to
38 afford the costs associated with electronic monitoring and
39 the county commission does not agree to pay the costs of
40 such electronic monitoring, the judge shall not order that
41 the person be placed on house arrest with electronic
42 monitoring;

43 (7) Impose any other condition deemed reasonably
44 necessary to assure appearance as required, including a
45 condition requiring that the person return to custody after
46 specified hours.

47 2. In determining which conditions of release will
48 reasonably assure appearance, the associate circuit judge or
49 judge shall, on the basis of available information, take

50 into account the nature and circumstances of the offense
51 charged, the weight of the evidence against the accused, the
52 accused's family ties, employment, financial resources,
53 character and mental condition, the length of his residence
54 in the community, his record of convictions, and his record
55 of appearance at court proceedings or flight to avoid
56 prosecution or failure to appear at court proceedings.

57 3. An associate circuit judge or judge authorizing the
58 release of a person under this section shall issue an
59 appropriate order containing a statement of the conditions
60 imposed, if any, shall inform such person of the penalties
61 applicable to violations of the conditions of his release
62 and shall advise him that a warrant for his arrest will be
63 issued immediately upon any such violation.

64 4. A person for whom conditions of release are imposed
65 and who after twenty-four hours from the time of the release
66 hearing continues to be detained as a result of his
67 inability to meet the conditions of release, shall, upon
68 application, be entitled to have the condition reviewed by
69 the associate circuit judge or judge who imposed them. The
70 motion shall be determined promptly.

71 5. An associate circuit judge or judge ordering the
72 release of a person on any condition specified in this
73 section may at any time amend his order to impose additional
74 or different conditions of release; except that, if the
75 imposition of such additional or different conditions
76 results in the detention of the person as a result of his
77 inability to meet such conditions or in the release of the
78 person on a condition requiring him to return to custody
79 after specified hours, the provisions of subsection 4 of
80 this section shall apply.

81 6. Information stated in, or offered in connection
82 with, any order entered pursuant to this section need not
83 conform to the rules pertaining to the admissibility of
84 evidence in a court of law.

85 7. Nothing contained in this section shall be
86 construed to prevent the disposition of any case or class of
87 cases by forfeiture of collateral security where such
88 disposition is authorized by the court.

89 8. Persons charged with violations of municipal
90 ordinances may be released by a municipal judge or other
91 judge who hears and determines municipal ordinance violation
92 cases of the municipality involved under the same conditions
93 and in the same manner as provided in this section for
94 release by an associate circuit judge.

95 9. A circuit court may adopt a local rule authorizing
96 the pretrial release on electronic monitoring pursuant to
97 subdivision (6) of subsection 1 of this section in lieu of
98 incarceration of individuals charged with offenses
99 specifically identified therein.

100 **10. Any bonding company or agent executing a bond**
101 **pursuant to any provision of this section shall collect**
102 **fifty percent of any bonding fee prior to executing any bond**
103 **where the defendant is charged with a felony offense that:**
104 **involves a victim, is a violation of chapter 571, is a**
105 **violation of 577.010, the defendant is a prior or persistent**
106 **offender, or is a misdemeanor case involving a victim,**
107 **resisting arrest, or aggravated fleeing and eluding, or in**
108 **any case where the defendant has previously been found**
109 **guilty of any of the above listed offenses.**

110 **11. The bonding agent shall certify to the court under**
111 **the penalty of perjury that they have received the required**

112 percentage from the defendant. Such certification shall be
113 submitted to the court with all other bonding paperwork.

114 12. Failure to provide the required certification
115 shall be a class A misdemeanor for the first offense.
116 Falsification of paperwork shall be a class E felony. In
117 addition to any criminal charge by this section, the bonding
118 agent shall be disqualified from writing bail bonds for a
119 period of five years.

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