

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute No. 2 for House Bill No. 1323, Page 1, Section A, Line 2,
2 by inserting after all of said section and line the following:

3
4 “544.455. 1. Any person charged with a bailable offense, at his or her appearance before
5 an associate circuit judge or judge may be ordered released pending trial, appeal, or other stage of
6 the proceedings against him on his personal recognizance, unless the associate circuit judge or
7 judge determines, in the exercise of his discretion, that such a release will not reasonably assure
8 the appearance of the person as required. When such a determination is made, the associate
9 circuit judge or judge may either in lieu of or in addition to the above methods of release, impose
10 any or any combination of the following conditions of release which will reasonably assure the
11 appearance of the person for trial:

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

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

16 (3) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of
17 cash in lieu thereof by a defendant or a third party; however, under article I, section 20 of the
18 Missouri Constitution, the court shall accept in lieu of a cash only bond a guarantee from any
19 surety who is in compliance with general laws regulating such profession;

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

22 (5) [Require the execution of a bond in a given sum and the deposit in the registry of the

1 court of ten percent, or such lesser percent as the judge directs, of the sum in cash or negotiable
2 bonds of the United States or of the state of Missouri or any political subdivision thereof;

3 (6)] Place the person on house arrest with electronic monitoring, except that all costs
4 associated with the electronic monitoring shall be charged to the person on house arrest. If the
5 judge finds the person unable to afford the costs associated with electronic monitoring, then the
6 judge shall not order that the person be placed on house arrest with electronic monitoring;

7 [(7)] (6) Impose any other condition deemed reasonably necessary to assure appearance as
8 required, including a condition requiring that the person return to custody after specified hours.

9 2. In determining which conditions of release will reasonably assure appearance, the
10 associate circuit judge or judge shall, on the basis of available information, take into account the
11 nature and circumstances of the offense charged, the weight of the evidence against the accused,
12 the accused's family ties, employment, financial resources, character and mental condition, the
13 length of his residence in the community, his record of convictions, and his record of appearance
14 at court proceedings or flight to avoid prosecution or failure to appear at court proceedings.

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

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

24 5. An associate circuit judge or judge ordering the release of a person on any condition specified
25 in this section may at any time amend his order to impose additional or different conditions of
26 release; except that, if the imposition of such additional or different conditions results in the

1 detention of the person as a result of his inability to meet such conditions or in the release of the
2 person on a condition requiring him to return to custody after specified hours, the provisions of
3 subsection 4 of this section shall apply.

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

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

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

13 9. A circuit court may adopt a local rule authorizing the pretrial release on electronic
14 monitoring pursuant to subdivision (6) of subsection 1 of this section in lieu of incarceration of
15 individuals charged with offenses specifically identified therein.”; and

16
17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.