

Amendment to SB 321-FN

1 Amend the bill by replacing section 1 with the following:

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3 1 Bail and Recognizances; General Provisions; Release of a Defendant Pending Trial. Amend  
4 RSA 597:2, III(b)(2) to read as follows:

5 (2)(A) If the court determines by a preponderance of the evidence that a person has  
6 failed to appear on any previous matter charged as a felony, class A misdemeanor, or driving or  
7 operating while impaired, or a reasonably equivalent offense in an out-of-state jurisdiction, 3 or more  
8 times within the past [5] 3 years, or twice on the present case, there shall be a rebuttable  
9 presumption that release will not reasonably assure the appearance of the person as required **and**  
10 **the person shall be detained.**

11 (B) **A person detained pursuant to subsection (A) shall be provided an**  
12 **opportunity for a bail hearing at which he or she may present evidence and the court shall**  
13 **decide whether such person has rebutted the presumption that release will not reasonably**  
14 **assure the appearance of the person as required.**