

# HB206

**Preserves monetary bail** as a condition of pretrial release.

HB206S02 line 367

When making pretrial release determinations, a judge shall consider:

- the **safety and welfare** of the **public**;
- the **safety** of **witnesses and victims**;
- ensuring defendant's **appearance in court**;
- ensuring the **integrity** of the **court process**.

HB206S02 lines 311-319

**Makes no changes** as to who is eligible for bail and who may be detained under 77-20-1:

The State may seek the pretrial detention of a defendant charged with or arrested for:

- (1) a capital felony...;
- (2) a felony committed while on probation or parole, or while free on bail...;
- (3) a felony ... and the court finds the individual constitutes a substantial danger to others or the community;
- (4) a felony ... and the court finds the individual violated a material condition of release while previously on bail;
- (5) a domestic violence offense ... and the individual constitutes a substantial danger to an alleged victim if released on bail.

HB206S02 lines 280-297

**Maintains** a judge's ability to detain a defendant charged with any felony who was on probation or out on bail for a separate felony offense.

HB206S02 lines 287-293

**Preserves judicial discretion** regarding the factors that may be considered when making pretrial release determinations; **expands judicial discretion** with the types of conditions that may be imposed.

HB206S02 lines 373-392

# NEW YORK

**Eliminates monetary bail for most offenses** (requiring instead the imposition of non-monetary conditions).

NY §510.10(1)

When making pretrial release determinations, a judge shall consider **only a defendant's flight risk**.

NY §545.10

**Expands** the category of individuals who are **eligible for bail**, **limits** those who **may be detained**:

The State may only seek the pretrial detention of a defendant:

- (1) charged with a felony and caused or attempted to cause serious physical injury to another person;
- (2) charged with an offense where the defendant would be subject to a sentence applied to a persistent violent felony offender;
- (3) charged with witness intimidation;
- (4) has willfully and persistently failed to appear in court in the instant case.

NY §545.20(1)

**Removes** a judge's ability to detain a defendant charged with **certain felonies** who was on probation for a separate felony offense.

NY 3579--A, p.5, line 1-2

**Limits judicial discretion** regarding the factors that may be considered when making pretrial release determinations.

NY § 510.30