1HB 317
Pretrial Release Modifications

PROVISIONS

1. Provides that the county sheriff or the sheriff's designee is the person who sets bail at the time of booking.

2. Creates a presumption for a Sheriff which says if a person has a recent history of failures to appear, then the Sheriff should use a bail bond instead of releasing them on their own recognizance or to a pretrial program.

3. Creates a presumption for judges which says if a person was already released without bail and then willfully failed to appear or failed to appear multiple times, then the judge should use a bail bond rather than release them on their own recognizance or to a pretrial supervision program.

4. Adds a definition for "material change in circumstances" as it relates to when a court should re-examine a person's detention status.

5. Clarifies what factors should be considered when deciding whether an individual would constitute a substantial danger to the public.

6. Provides that if a judge sets a bail amount when someone is arrested, if that person still hasn't posted bail after being in jail for seven days, the judge should presume that the bail amount is unaffordable for that person.

7. Allows a judge to issue a pretrial status order at a person's initial appearance if appropriate.

8. Allows an expedited appeal of a judge's detention decision pending trial.