

**BILL SUMMARY**  
1<sup>st</sup> Session of the 57<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB1037</b>
<b>Version:</b>	<b>PCS1</b>
<b>Request Number:</b>	<b>8213</b>
<b>Author:</b>	<b>Walke</b>
<b>Date:</b>	<b>2/25/2019</b>
<b>Impact:</b>	<b>Please see previous summary of this measure</b>

**Research Analysis**

The proposed committee substitute to HB 1037 requires the courts to set bail in an amount no higher than what the court determines is necessary to ensure the return of the person to court, and it not set in an amount that results in the pretrial detention of the person. The court is to consider the ability of the person to pay when setting bail and set money bail only upon a finding that the person has the present ability to pay the amount required for release. In any case in which the court denies bail, the court shall make an individualized determination supported by clear and convincing evidence on the record, supported by written findings of fact, that proof of guilt is evident or the presumption is great and that no condition of release would assure the return of the person to court or the safety of the community or any person. The measure provides that an arrested person is to be taken without unnecessary delay before a magistrate for an initial appearance within 48 hours. If the offense is not a violent crime, domestic assault, violation of a protective order, stalking or felony offenses involving escape, the court is to release the person on their own recognizance unless the court determines the person will not appear, the person will obstruct justice or threaten a witness, or the person will engage in conduct that threatens themselves or another person. Bail schedules are to be made public and be displayed in public areas. The measure requires the least restrictive conditions that will reasonably assure the return of the person to court to be used by the pretrial services program. The measure carves out a misdemeanor penalty for persons convicted of bail forfeiture if the underlying charge was a crime other than a violent crime.

Prepared By: Brad Wolgamott

**Fiscal Analysis**

The measure is currently under review and impact information will be completed.

Prepared By: Mark Tygret

**Other Considerations**

None.