

SENATE COMMITTEE OF REFERENCE AMENDMENT
Committee on Judiciary.

SB21-062 be amended as follows:

1 Amend printed bill, page 6, strike line 6 and substitute "BOND UNLESS:
2 (A) THE VIOLATION WAS A FAILURE TO COMPLY WITH ANY COURT
3 ORDERED TREATMENT RELATED TO A SEX OFFENSE OR A CRIME OF
4 DOMESTIC VIOLENCE, AND THE COURT FINDS ON THE RECORD THAT THE
5 FAILURE TO COMPLY POSES A SUBSTANTIAL RISK TO THE SAFETY OF
6 ANOTHER AND WAS NOT BASED SOLELY ON AN INABILITY TO PAY; OR
7 (B) THE DEFENDANT HAS ALREADY HAD PROBATION REVOKED FOR
8 FAILURE TO COMPLY IN THE CASE."

9 Page 6, lines 7 through 10, strike "NOTWITHSTANDING THE PROVISIONS OF
10 SUBSECTION (3)(c)(I) OF THIS SECTION, A COURT MAY ISSUE A MONETARY
11 BOND IF THE DEFENDANT HAS ALREADY HAD PROBATION REVOKED FOR
12 FAILURE TO COMPLY IN THAT CASE."

13 Page 6, after line 12, insert:

14 "(d) NOTWITHSTANDING THE PROVISIONS THIS SUBSECTION (3),
15 THIS SECTION DOES NOT PROHIBIT THE RELEASE OF A PERSON PURSUANT
16 TO LOCAL PRETRIAL RELEASE POLICIES THAT REQUIRE PAYMENT OF A
17 MONETARY CONDITION OF RELEASE PRIOR TO AN INDIVIDUALIZED
18 DECISION BY A JUDGE, A PRETRIAL OFFICER, A BONDING AND RELEASE
19 COMMISSIONER, OR ANY OTHER JUDICIAL OFFICER.

20 (e) NOTHING IN THIS SUBSECTION (3) LIMITS THE COURTS
21 AUTHORITY TO SET MONEY BOND WHEN THE COURT FINDS A DEFENDANT
22 IS LIKELY TO FLEE PROSECUTION AND THAT THERE ARE NO OTHER
23 CONDITIONS OF RELEASE THAT CAN REASONABLY MITIGATE THAT RISK.".

24 Page 1, line 101, strike "**REDUCE JAIL POPULATIONS.**" and substitute
25 "**SAFELY REDUCE JAIL POPULATIONS BY AMENDING PROCEDURES PRIOR**
26 **TO CONVICTION.**".

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