

SB062\_L.003

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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