

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Judiciary** recommends **HB 2444** be amended on page 13, in line 13, after "was" by inserting "in custody for a prior felony or"; in line 39, after "was" by inserting "in custody for a prior felony or";

On page 15, in line 22, by striking all after "(c)"; by striking all in lines 23 through 26 and inserting "(1) If a person is charged with a misdemeanor, the appearance bond shall be executed with sufficient solvent sureties who are residents of the state of Kansas unless the magistrate determines, in the exercise of such magistrate's discretion, that requiring sureties is not necessary to assure the appearance of the person at the time ordered or to assure public safety.

(2) (A) If a person is charged with a felony, the appearance bond shall be executed with sufficient solvent sureties who are residents of the state of Kansas unless the magistrate determines by clear and convincing evidence, after a hearing at which the person charged is present, that requiring sureties is not necessary to assure the appearance of the person at the time ordered or to assure public safety.

(B) Prior to releasing a person charged with a felony without a surety, the magistrate shall determine, after a hearing at which the person is present, whether the person meets the following qualifications:

- (i) Is a lawful resident of the state of Kansas;
- (ii) has no prior felony conviction;
- (iii) has no prior history of failure to appear for any court appearances;

(iv) has no detainer or hold from any other jurisdiction;

(v) has not been extradited from and is not awaiting extradition to another state;

(vi) has not been detained for an alleged violation of probation;

(vii) has not been charged with a felony violation of K.S.A. 8-1567, and amendments thereto; and

(viii) has not been charged with a drug severity level 1, 2 or 3 felony.

(C) If the magistrate determines that the person does not meet one or more of the qualifications listed in subparagraph (B), there is a presumption that such person is either a flight risk or that such person's release would endanger the public. Such presumption may only be overcome by clear and convincing evidence. Prior to ordering a release of such person without a surety, the magistrate shall make a written finding on the record that such person is not a public safety risk and not a flight risk and specify which of the qualifications listed in subparagraph (B) that such person meets.";

On page 16, in line 11, by striking "subsection" and inserting "subsections (c) and";

On page 18, in line 14, by striking all after the fourth comma; in line 15, by striking all before "Except"; in line 18, by striking "\$100,000" and inserting "\$50,000"; in line 20, by striking "\$250,000" and inserting "\$100,000"; in line 22, by striking "\$500,000" and inserting "\$250,000"; in line 24, by striking all after "(2)"; by striking all in lines 25 through 30 and inserting "Such bond shall not be reduced or modified downward unless the magistrate determines by a preponderance of the evidence at an evidentiary hearing and makes a written finding on the record that the defendant is not a public safety risk and not a flight risk. At such evidentiary hearing, there shall be a presumption that the defendant is both a public safety risk and a flight risk.";

On page 1, in the title, in line 5, after "while" by inserting "in custody for a prior felony or";

in line 7, after "while" by inserting "in custody for a prior felony or"; in line 8, after the semicolon by inserting "relating to release prior to trial; providing limitations and restrictions on releasing a person charged with a felony upon the person's own recognizance;"

And the bill be passed as amended.

_____Chairperson