

### 811.1 Bail and bail restrictions.

1. For purposes of [this section](#):

a. “Assault” means the same as defined in [section 708.1](#).

b. “Charged” means the same as “charge” as defined in [section 801.4](#).

c. “Felonious assault upon an officer” means the defendant committed an assault, for which the penalty is a felony, with the knowledge the person against whom the felonious assault was committed was a peace officer or correctional officer, acting in the peace officer’s or correctional officer’s official capacity.

d. “Peace officer” means the same as defined in [section 801.4](#).

2. All defendants are bailable both before and after conviction, by sufficient surety, or subject to release upon condition or on their own recognizance, except that the following defendants shall not be admitted to bail:

a. A defendant charged with murder in the first degree of a peace officer in violation of [section 707.2](#), if the murder in the first degree was committed with the knowledge the person against whom the murder was committed was a peace officer or correctional officer, acting in the peace officer’s or correctional officer’s official capacity.

b. A defendant awaiting judgment of conviction and sentencing following either a plea or verdict of guilty of a class “A” felony; forcible felony as defined in [section 702.11](#); a felonious assault upon an officer; any class “B” felony included in [section 462A.14](#) or [707.6A](#); any felony included in [section 124.401, subsection 1](#), paragraph “a” or “b”; a second or subsequent offense under [section 124.401, subsection 1](#), paragraph “c”; any public offense committed while detained pursuant to [section 229A.5](#); or any public offense committed while subject to an order of commitment pursuant to [chapter 229A](#).

c. A defendant appealing a conviction of a class “A” felony; forcible felony as defined in [section 702.11](#); a felonious assault upon an officer; any class “B” or “C” felony included in [section 462A.14](#) or [707.6A](#); any felony included in [section 124.401, subsection 1](#), paragraph “a” or “b”; or a second or subsequent conviction under [section 124.401, subsection 1](#), paragraph “c”; any public offense committed while detained pursuant to [section 229A.5](#); or any public offense committed while subject to an order of commitment pursuant to [chapter 229A](#).

d. Notwithstanding paragraphs “b” and “c”, a defendant awaiting judgment of conviction and sentencing following either a plea or verdict of guilty of, or appealing a conviction of, any felony offense included in [section 708.11, subsection 3](#), or a felony offense under [chapter 124](#) not provided for in paragraph “b” or “c”, is presumed to be ineligible to be admitted to bail unless the court determines that such release reasonably will not result in the person failing to appear as required and will not jeopardize the personal safety of another person or persons.

[C51, §3211 – 3213; R60, §4885, 4962; C73, §3845, 4107, 4511; C97, §5096, 5442; S13, §5096; C24, 27, 31, 35, 39, §13609, 13610, 13966; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §763.1, 763.2, 789.19; C79, 81, §811.1; 82 Acts, ch 1236, §1]

89 Acts, ch 138, §4, 5; 90 Acts, ch 1251, §61; 92 Acts, ch 1179, §2; 94 Acts, ch 1093, §6; 95 Acts, ch 87, §1; 97 Acts, ch 177, §30; 98 Acts, ch 1138, §27; 99 Acts, ch 12, §10; 99 Acts, ch 71, §1; 99 Acts, ch 123, §1; 2000 Acts, ch 1099, §10; 2002 Acts, ch 1139, §22, 27; 2011 Acts, ch 22, §1; 2012 Acts, ch 1021, §117; 2013 Acts, ch 30, §255; 2023 Acts, ch 86, §9; 2024 Acts, ch 1127, §5; 2024 Acts, ch 1154, §25

Referred to in [§124.416](#), [229A.5C](#), [232.44](#), [805.1](#), [811.2](#), [811.5](#)

Bail bonds, see [R.Cr.P. 2.37](#) – Form 1

Section amended