

House Amendment to
Senate File 2399

S-5068

1 Amend Senate File 2399, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 Section 1. Section 804.21, subsections 2 and 4, Code 2026,
6 are amended to read as follows:

7 2. a. Where ~~When~~ the offense is bailable, the magistrate
8 shall fix bail ~~giving due consideration to the bail at the~~
9 amount endorsed on the warrant or unless the bail set on the
10 warrant is less than that specified on the bond schedule, and
11 shall give due consideration to other conditions stipulated on
12 the warrant for the defendant's appearance in the court which
13 that issued the warrant; if such person is not released on
14 bail, the magistrate must redeliver the warrant to the officer,
15 and the officer shall retain custody of the arrested person
16 until the person's removal to appear before the magistrate who
17 issued the warrant.

18 b. In fixing bail, the magistrate shall not set bail at
19 an amount that is less than, or a percentage of, that on
20 the uniform bond schedule, unless the magistrate provides
21 justification, pursuant to section 811.2, subsection 2, for the
22 deviation in writing.

23 4. ~~When the court is not in session, a person arrested and~~
24 ~~placed in jail may be released on the person's own recognizance~~
25 ~~with or without other conditions, by the verbal or written~~
26 ~~order of a judge or magistrate. The verbal order may be~~
27 ~~communicated by telephone. The judge or magistrate may issue~~
28 ~~such order of release only upon the request of an attorney or~~
29 ~~person believed by the judge or magistrate to be reliable~~ A
30 defendant is only eligible to be released on the defendant's
31 own recognizance if the defendant has been charged with a
32 nonviolent, nondrug simple or serious misdemeanor.

33 Sec. 2. Section 804.21, subsection 5, paragraph b, Code
34 2026, is amended to read as follows:

35 b. The bond schedule shall not be used unless both the

1 ~~following conditions are met:~~

2 ~~(1) The if the person was arrested for a crime other than a~~
3 ~~violation of [section 708.6](#), [section 724.26](#), [subsection 1](#), or~~
4 ~~a forcible felony, and~~

5 ~~(2) The courts are not in session. In determining any~~
6 ~~conditions of release, a magistrate shall provide justification~~
7 ~~pursuant to [section 811.2](#), [subsection 2](#), in writing.~~

8 Sec. 3. Section 804.22, subsection 2, Code 2026, is amended
9 to read as follows:

10 2. a. In determining conditions of release, a magistrate
11 shall not set bail at an amount that is less than, or
12 a percentage of, that on the uniform bond schedule, or
13 otherwise release a defendant, unless the magistrate provides
14 justification pursuant to [section 811.2](#), [subsection 2](#), in
15 writing.

16 b. This section and the rules of criminal procedure do
17 not affect the provisions of [chapter 805](#) authorizing the
18 release of a person on citation or bail prior to initial
19 appearance, unless the person is charged with manufacture,
20 delivery, possession with intent to manufacture or deliver, or
21 distribution of methamphetamine. The initial appearance of a
22 person so released shall be scheduled for a time not more than
23 thirty days after the date of release.

24 Sec. 4. Section 811.1, subsection 2, unnumbered paragraph
25 1, Code 2026, is amended to read as follows:

26 ~~All~~ Except as provided in subsection 3, all defendants
27 are bailable both before and after conviction, by sufficient
28 surety, or subject to release upon condition or on their own
29 recognizance, except that the following defendants shall not be
30 admitted to bail:

31 Sec. 5. Section 811.1, Code 2026, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 3. A defendant is only eligible to be
34 released on the defendant's own recognizance if the defendant
35 has been charged with a nonviolent, nondrug simple or serious

1 misdemeanor.

2 Sec. 6. Section 811.2, subsection 1, paragraph a,
3 unnumbered paragraph 1, Code 2026, is amended to read as
4 follows:

5 All bailable defendants shall be ordered released from
6 custody pending judgment or entry of deferred judgment on
7 their personal recognizance, except as limited by section
8 811.1, subsection 3, or upon the execution of an unsecured
9 appearance bond in an amount specified by the magistrate unless
10 the magistrate determines in the exercise of the magistrate's
11 discretion, that such a release will not reasonably assure the
12 appearance of the defendant as required or that release will
13 jeopardize the personal safety of another person or persons.
14 When such determination is made, the magistrate shall, either
15 in lieu of or in addition to the above methods of release,
16 impose the first of the following conditions of release ~~which~~
17 that will reasonably assure the appearance of the person
18 for trial or deferral of judgment and the safety of other
19 persons, or, if no single condition gives that assurance, any
20 combination of the following conditions:

21 Sec. 7. Section 811.2, subsection 1, paragraph a,
22 subparagraph (3), Code 2026, is amended to read as follows:

23 (3) Require the execution of an appearance bond in a
24 specified amount and the deposit with the clerk of the district
25 court or a public officer designated under section 602.1211,
26 subsection 4, in cash or other qualified security, ~~of a sum not~~
27 ~~to exceed ten percent of the amount of the bond~~, the deposit to
28 be returned to the person who deposited the specified amount
29 with the clerk upon the performance of the appearances as
30 required in [section 811.6](#).

31 Sec. 8. Section 811.2, subsection 1, Code 2026, is amended
32 by adding the following new paragraph:

33 NEW PARAGRAPH. c. If a pretrial release evaluation is
34 completed by the department of corrections for a magistrate to
35 consider prior to the release of a defendant, the evaluator

1 for the department of corrections must verify all of the
2 information contained in the pretrial release evaluation prior
3 to providing it to the magistrate.

4 Sec. 9. JUDICIAL COUNCIL — UNIFORM BOND SCHEDULE. The
5 judicial council shall revise and update the bond schedule to
6 adjust for inflation since the previous update that became
7 effective on July 1, 2017. The revised bond schedule shall be
8 submitted to the supreme court no later than July 1, 2027.>

9 2. Title page, by striking line 1 and inserting <An Act
10 relating to bail and bond amounts and conditions.>