

MAR 4 1983

SENATE FILE 358

BY COMMITTEE ON JUDICIARY

(FORMERLY SSB 128)  
*Approved 2/2/83 (p. 641)*  
*Substituted for H. F. 231 4/8/83*

Passed Senate, Date 3-14-83 (p. 724) Passed House, Date 4-8-83 (p. 1140)  
Vote: Ayes 42 Nays 0 Vote: Ayes 84 Nays 11  
Approved April 22, 1983 (p. 1345)

### A BILL FOR

- 1 An Act relating to the release of defendants and conditions
- 2 required for bail.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

H-3569 SENATE FILE 358

- 1 Amend Senate File 358 as follows:
- 2 1. Page 1, line 11, by adding after the word
- 3 "persons." the following: "In making the personal
- 4 safety determination, the magistrate must first find
- 5 that the defendant has previously been released and
- 6 that either the defendant has committed a criminal
- 7 offense since that release, or the defendant has violated
- 8 conditions of the prior release."
- 9 2. Page 1, line 11, by adding after the word
- 10 "persons." the following: "Prior to making the
- 11 appearance determination, the magistrate must also find
- 12 that there is no additional nonmonetary condition or
- 13 conditions which will reasonably assure the defendant's
- 14 appearance as required."

H-3569 FILED APRIL 7, 1983  
*Loc. 4/9/83 (p. 1140)*

BY ROSENBERG of Story

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1 Section 1. Section 811.2, subsection 1, unnumbered para-  
2 graph 1, Code 1983, is amended to read as follows:

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

18 Sec. 2. Section 811.2, subsection 1, paragraph e, Code  
19 1983, is amended to read as follows:

20 e. Impose any other condition deemed reasonably neces-  
21 sary to assure appearance as required, or the safety of another  
22 person or persons including a condition requiring that the  
23 defendant return to custody after specified hours.

24 Sec. 3. Section 811.2, subsection 2, Code 1983, is amended  
25 to read as follows:

26 2. DETERMINATION OF CONDITIONS. In determining which  
27 conditions of release will reasonably assure the defendant's  
28 appearance and the safety of another person or persons, the  
29 magistrate shall, on the basis of available information, take  
30 into account the nature and circumstances of the offense  
31 charged, the defendant's family ties, employment, financial  
32 resources, character and mental condition, the length of ~~his~~  
33 ~~or her~~ the defendant's residence in the community, the  
34 defendant's record of convictions, and the defendant's record  
35 of appearance at court proceedings or of flight to avoid

1 prosecution or failure to appear at court proceedings.

2 EXPLANATION

3 This bill includes the safety of other persons as a con-  
4 sideration in bail decisions. This bill will become effective  
5 July 1 following its enactment.

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SENATE FILE 358

AN ACT

RELATING TO THE RELEASE OF DEFENDANTS AND CONDITIONS REQUIRED FOR BAIL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 811.2, subsection 1, unnumbered paragraph 1, Code 1983, is amended to read as follows:

All bailable defendants shall be ordered released from custody pending judgment on their personal recognizance, or upon the execution of an unsecured appearance bond in an amount specified by the magistrate unless the magistrate determines in the exercise of ~~his-or-her~~ the magistrate's discretion, that such a release will not reasonably assure the appearance of the defendant as required or that release will jeopardize the personal safety of another person or persons. When such determination is made, the magistrate shall, either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial and the safety of another person or persons, or, if no single condition gives that assurance, any combination of the following conditions:

Sec. 2. Section 811.2, subsection 1, paragraph e, Code 1983, is amended to read as follows:

e. Impose any other condition deemed reasonably necessary to assure appearance as required, or the safety of another person or persons including a condition requiring that the defendant return to custody after specified hours.

Sec. 3. Section 811.2, subsection 2, Code 1983, is amended to read as follows:

2. DETERMINATION OF CONDITIONS. In determining which conditions of release will reasonably assure the defendant's

appearance and the safety of another person or persons, the magistrate shall, on the basis of available information, take into account the nature and circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of ~~his~~ the defendant's residence in the community, the defendant's record of convictions, and the defendant's record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings.

ROBERT T. ANDERSON  
President of the Senate

DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 358, Seventieth General Assembly.

K. MARIE THAYER  
Secretary of the Senate

Approved *April 22* 1983

TERRY E. BRANSTAD  
Governor