

House Study Bill 641 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON PUBLIC
SAFETY BILL BY CHAIRPERSON
VONDRAN)

A BILL FOR

- 1 An Act relating to bail and bond amounts and conditions.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

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

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

13 b. In fixing bail, the magistrate shall not set bail at an
14 amount that is less than, or a percentage of, that on the uniform
15 bond schedule, unless the magistrate provides justification for
16 the deviation in writing.

17 4. a. When the court is not in session, a person arrested
18 and placed in jail may be released on the person's own
19 recognizance with or without other conditions, by the verbal or
20 written order of a judge or magistrate. The verbal order may
21 be communicated by telephone. The judge or magistrate may issue
22 such order of release only upon the request of an attorney or
23 person believed by the judge or magistrate to be reliable.

24 b. A defendant is only eligible to be released on the
25 defendant's own recognizance if the defendant has been charged
26 with a nonviolent, nondrug simple or serious misdemeanor.

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

29 b. The bond schedule shall not be used ~~unless both the~~
30 ~~following conditions are met:~~

31 ~~(1) The~~ if the person was arrested for a ~~crime other than a~~
32 violation of section 708.6, section 724.26, subsection 1, or a
33 forcible felony, ~~and~~

34 ~~(2) The courts are not in session.~~

35 Sec. 3. Section 811.1, subsection 2, unnumbered paragraph 1,

1 Code 2026, is amended to read as follows:

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

7 Sec. 4. Section 811.1, Code 2026, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 3. A defendant is only eligible to be
10 released on the defendant's own recognizance if the defendant
11 has been charged with a nonviolent, nondrug simple or serious
12 misdemeanor.

13 Sec. 5. Section 811.2, subsection 1, paragraph a, unnumbered
14 paragraph 1, Code 2026, is amended to read as follows:

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

31 Sec. 6. Section 811.2, subsection 1, paragraph a,
32 subparagraph (3), Code 2026, is amended to read as follows:

33 (3) Require the execution of an appearance bond in a
34 specified amount and the deposit with the clerk of the district
35 court or a public officer designated under section 602.1211,

1 subsection 4, in cash or other qualified security, ~~of a sum not~~
2 ~~to exceed ten percent of the amount of the bond~~, the deposit to
3 be returned to the person who deposited the specified amount with
4 the clerk upon the performance of the appearances as required in
5 section 811.6.

6 Sec. 7. Section 811.2, subsection 1, Code 2026, is amended by
7 adding the following new paragraph:

8 NEW PARAGRAPH. c. If a pretrial release evaluation is
9 completed by the department of corrections for a magistrate to
10 consider prior to the release of a defendant, the evaluator for
11 the department of corrections must verify all of the information
12 contained in the pretrial release evaluation prior to providing
13 it to the magistrate.

14 Sec. 8. JUDICIAL COUNCIL — UNIFORM BOND SCHEDULE. The
15 judicial council shall revise and update the bond schedule
16 to adjust for inflation since the previous update that became
17 effective on July 1, 2017. The revised bond schedule shall be
18 submitted to the supreme court no later than July 1, 2027.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill relates to bail and bond amounts and conditions.

23 The bill provides that when the offense is bailable, the
24 magistrate shall fix bail at the amount endorsed on the warrant
25 unless the bail set on the warrant is less than that specified
26 on the bond schedule. In fixing bail, the magistrate shall not
27 set bail at an amount that is less than, or a percentage of,
28 that on the uniform bond schedule, unless the magistrate provides
29 justification for the deviation in writing.

30 The bill provides that a defendant is only eligible to be
31 released on the defendant's own recognizance if the defendant
32 has been charged with a nonviolent, nondrug simple or serious
33 misdemeanor.

34 The bill provides that the bond schedule promulgated by the
35 judicial council shall not be used if the person was arrested for

1 a violation of Code section 708.6 (intimidation with a dangerous
2 weapon), Code section 724.26, subsection 1 (possession, receipt,
3 transportation, or dominion and control of firearms, offensive
4 weapons, and ammunition by felons and others), or a forcible
5 felony (Code section 702.11). Current law provides that the bond
6 schedule for release of an arrested person is only used when
7 court is not in session.

8 The bill removes the restriction that the amount of an
9 appearance bond to be deposited with the clerk may not exceed 10
10 percent of the amount of the bond.

11 The bill provides that if a pretrial release evaluation is
12 completed by the department of corrections for a magistrate to
13 consider prior to the release of a defendant, the evaluator for
14 the department of corrections must verify all of the information
15 contained in the pretrial release evaluation prior to providing
16 it to the magistrate.

17 The bill requires the judicial council to revise and update
18 the bond schedule to adjust for inflation since the previous
19 update that became effective on July 1, 2017. The revised bond
20 schedule shall be submitted to the supreme court no later than
21 July 1, 2027.