

Senate File 2399 - Introduced

SENATE FILE 2399
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3162)

A BILL FOR

1 An Act relating to pretrial bond amounts for certain felonies.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **811.1B Pretrial bond amounts for**
2 **class "A" and forcible felonies.**

3 1. It is the policy of this state that, for certain
4 violent offenses, a court setting bond must give significant
5 consideration to the danger a defendant poses to another person
6 or the property of another if the defendant is not detained
7 pending trial. This consideration is in addition to all others
8 recognized by law, including but not limited to the bond amount
9 necessary to secure the defendant's appearance.

10 2. a. When probable cause for an offense is found by
11 the magistrate, or the district court has found the minutes
12 supporting an indictment or information are sufficient to support
13 a conviction if unexplained, and after considering the conditions
14 for release as provided in section 811.2, subsection 2, and
15 making findings on the record regarding the defendant's financial
16 resources and ability to post bail, the following shall be
17 presumed to be the minimum pretrial bond amounts for each count
18 charged, notwithstanding any other provision of law:

19 (1) For a class "A" felony, a five hundred thousand dollar
20 bond.

21 (2) For a class "B" forcible felony, a twenty-five thousand
22 dollar bond.

23 (3) For a class "C" forcible felony, a ten thousand dollar
24 bond.

25 (4) For a class "D" forcible felony, a five thousand dollar
26 bond.

27 b. The bond amounts in paragraph "a" shall be presumed
28 reasonable, subject to adjustment based upon the defendant's
29 ability and the factors in section 811.2.

30 c. The court shall require the execution of a bail bond with
31 sufficient surety, or the deposit of cash in lieu of bond.
32 However, except as provided in section 811.1, bail initially
33 given remains valid until final disposition of the offense or
34 entry of an order deferring judgment. If the amount of bail
35 is deemed insufficient by the court before whom the offense

1 is pending, the court may order an increase of bail and the
2 defendant must provide the additional undertaking, written or in
3 cash, to secure release.

4 3. The presumption established in subsection 2, paragraph
5 "b", may be rebutted upon a showing that the presumptive bond
6 amount is greater than necessary to reasonably assure the
7 defendant's appearance or the safety of another person or the
8 property of another, after consideration of the factors set
9 forth in section 811.2 and the defendant's ability to pay. In
10 determining whether the presumption has been rebutted, the court
11 shall make findings on the record addressing the basis for any
12 adjustment to the bond amount. In cases involving a violent
13 crime, the court shall give substantial weight to the safety of
14 the victim and the community.

15 4. As with other bond reviews, a determination under this
16 section made by a magistrate is reviewable by a district
17 court judge or a district associate judge having original
18 jurisdiction of the offense with which the defendant is charged
19 pursuant to section 811.2, subsection 7, paragraph "a", while a
20 determination made by a district court judge is only reviewable
21 by the appellate court pursuant to section 811.2, subsection 7,
22 paragraph "b".

23 EXPLANATION

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

26 This bill relates to pretrial bond amounts for certain
27 felonies.

28 The bill provides that for certain violent offenses, a court
29 setting bond must give significant consideration to the danger
30 a defendant poses to another person or the property of another
31 if the defendant is not detained pending trial. When probable
32 cause for an offense has been found by a magistrate, or the
33 district court has found the minutes supporting an indictment or
34 information to be sufficient, and after considering conditions
35 for release under Code section 811.2 (bail and bail restrictions)

1 and making findings on the record regarding the defendant's
2 financial resources and ability to post bail, the following shall
3 be presumed to be the minimum pretrial bond amounts for each
4 count charged notwithstanding any other provision of law: for
5 a class "A" felony, a \$500,000 bond; for a class "B" forcible
6 felony, a \$25,000 bond; for a class "C" forcible felony, a
7 \$10,000 bond; and for a class "D" forcible felony, a \$5,000 bond.

8 The bill provides that the court shall require the execution
9 of a bail bond with sufficient surety, or the deposit of cash in
10 lieu of bond.

11 The bill provides that the bond amounts in the bill are
12 presumed to be reasonable, but the presumption may be rebutted
13 upon a showing that the presumptive bond amount is greater than
14 necessary to reasonably assure the defendant's appearance or
15 the safety of another person or the property of another, after
16 consideration of the factors set forth in Code section 811.2 and
17 the defendant's ability to pay.