

House File 2505 - Introduced

HOUSE FILE 2505

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 641)

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:

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

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

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

29 Sec. 2. Section 804.21, subsection 5, paragraph b, Code
30 2026, is amended to read as follows:

31 b. The bond schedule shall not be used unless both the
32 following conditions are met:

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

1 ~~(2) The courts are not in session. In determining any~~
2 conditions of release, a magistrate shall provide justification
3 pursuant to section 811.2, subsection 2, in writing.

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

6 2. a. In determining conditions of release, a magistrate
7 shall not set bail at an amount that is less than, or
8 a percentage of, that on the uniform bond schedule, or
9 otherwise release a defendant, unless the magistrate provides
10 justification pursuant to section 811.2, subsection 2, in
11 writing.

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

20 Sec. 4. Section 811.1, subsection 2, unnumbered paragraph
21 1, Code 2026, is amended to read as follows:

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

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

29 NEW SUBSECTION. 3. A defendant is only eligible to be
30 released on the defendant's own recognizance if the defendant
31 has been charged with a nonviolent, nondrug simple or serious
32 misdemeanor.

33 Sec. 6. Section 811.2, subsection 1, paragraph a,
34 unnumbered paragraph 1, Code 2026, is amended to read as
35 follows:

1 All bailable defendants shall be ordered released from
2 custody pending judgment or entry of deferred judgment on
3 their personal recognizance, except as limited by section
4 811.1, subsection 3, or upon the execution of an unsecured
5 appearance bond in an amount specified by the magistrate unless
6 the magistrate determines in the exercise of the magistrate's
7 discretion, that such a release will not reasonably assure the
8 appearance of the defendant as required or that release will
9 jeopardize the personal safety of another person or persons.
10 When such determination is made, the magistrate shall, either
11 in lieu of or in addition to the above methods of release,
12 impose the first of the following conditions of release ~~which~~
13 that will reasonably assure the appearance of the person
14 for trial or deferral of judgment and the safety of other
15 persons, or, if no single condition gives that assurance, any
16 combination of the following conditions:

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

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

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

29 NEW PARAGRAPH. c. If a pretrial release evaluation is
30 completed by the department of corrections for a magistrate to
31 consider prior to the release of a defendant, the evaluator
32 for the department of corrections must verify all of the
33 information contained in the pretrial release evaluation prior
34 to providing it to the magistrate.

35 Sec. 9. JUDICIAL COUNCIL — UNIFORM BOND SCHEDULE. The

1 judicial council shall revise and update the bond schedule to
2 adjust for inflation since the previous update that became
3 effective on July 1, 2017. The revised bond schedule shall be
4 submitted to the supreme court no later than July 1, 2027.

5

EXPLANATION

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

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

9 The bill provides that when the offense is bailable, the
10 magistrate shall fix bail at the amount endorsed on the warrant
11 unless the bail set on the warrant is less than that specified
12 on the bond schedule. In fixing bail, the magistrate shall
13 not set bail at an amount that is less than, or a percentage
14 of, that on the uniform bond schedule, unless the magistrate
15 provides justification for the deviation in writing.

16 The bill provides that a defendant is only eligible to be
17 released on the defendant's own recognizance if the defendant
18 has been charged with a nonviolent, nondrug simple or serious
19 misdemeanor.

20 The bill provides that the bond schedule promulgated by
21 the judicial council shall not be used if the person was
22 arrested for a violation of Code section 708.6 (intimidation
23 with a dangerous weapon), Code section 724.26, subsection 1
24 (possession, receipt, transportation, or dominion and control
25 of firearms, offensive weapons, and ammunition by felons and
26 others), or a forcible felony (Code section 702.11). In
27 determining conditions of release, a magistrate may not set
28 bail at an amount that is less than, or a percentage of, that on
29 the uniform bond schedule, or otherwise release a defendant,
30 unless written justification is provided. Current law provides
31 that the bond schedule for release of an arrested person is
32 only used when court is not in session.

33 The bill removes the restriction that the amount of an
34 appearance bond to be deposited with the clerk may not exceed
35 10 percent of the amount of the bond.

1 The bill provides that if a pretrial release evaluation is
2 completed by the department of corrections for a magistrate to
3 consider prior to the release of a defendant, the evaluator
4 for the department of corrections must verify all of the
5 information contained in the pretrial release evaluation prior
6 to providing it to the magistrate.

7 The bill requires the judicial council to revise and update
8 the bond schedule to adjust for inflation since the previous
9 update that became effective on July 1, 2017. The revised bond
10 schedule shall be submitted to the supreme court no later than
11 July 1, 2027.