

CHAPTER 19
RELEASE OF DEFENDANTS AND BAIL CONDITIONS
S.F. 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 or her~~ 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.

Approved April 22, 1983