

CHAPTER 1159

BAIL AND BOND AMOUNTS AND CONDITIONS

S.F. 2399

AN ACT relating to bail and bond amounts and conditions.

Be It Enacted by the General Assembly of the State of Iowa:

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

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

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

~~4. When the court is not in session, a person arrested and placed in jail may be released on the person's own recognizance with or without other conditions, by the verbal or written order of a judge or magistrate. The verbal order may be communicated by telephone. The judge or magistrate may issue such order of release only upon the request of an attorney or person believed by the judge or magistrate to be reliable. A defendant is only eligible to be released on the defendant's own recognizance if the defendant has been charged with a nonviolent, nondrug simple or serious misdemeanor or to receive necessary medical attention. A defendant released for necessary medical attention shall be returned to the custody of a law enforcement agency once the defendant is medically cleared and fit for confinement.~~

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

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

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

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

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

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

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

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

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

Sec. 5. Section 811.1, Code 2026, is amended by adding the following new subsection:
NEW SUBSECTION. 3. A defendant is only eligible to be released on the defendant's own recognizance if the defendant has been charged with a nonviolent, nondrug simple or serious misdemeanor.

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

All bailable defendants shall be ordered released from custody pending judgment or entry of deferred judgment on their personal recognizance, except as limited by section 811.1, subsection 3, or upon the execution of an unsecured appearance bond in an amount specified by the magistrate unless the magistrate determines in the exercise of 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~~ that will reasonably assure the appearance of the person for trial or deferral of judgment and the safety of other persons, or, if no single condition gives that assurance, any combination of the following conditions:

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

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

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

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

Sec. 9. JUDICIAL COUNCIL — UNIFORM BOND SCHEDULE. The judicial council shall revise and update the bond schedule to adjust for inflation since the previous update that became effective on July 1, 2017. The revised bond schedule shall be submitted to the supreme court no later than July 1, 2027.

Approved June 2, 2026