

IN THE CIRCUIT COURT OF CASS COUNTY, MISSOURI

ADMINISTRATIVE ORDER NUMBER

2016-1130

BAIL AND PRETRIAL RELEASE IN MUNICIPAL CASES

WHEREAS, the judges of the 17th Judicial Circuit are required to follow the law as set forth in the Constitution of the United States of America, and set forth in the Constitution of the State of Missouri and the laws of the State of Missouri.

WHEREAS, Supreme Court Rule 37.15 also addresses the issue of bail and pretrial release.

WHEREAS, one of the responsibilities of a judge in a municipal case is to address the issue of bail and pretrial release of the accused.

WHEREAS, while there is a constitutional presumption created by Article 1, Section 20, of the Constitution of the State of Missouri, that all accused persons are entitled reasonable bail in all cases except for capital cases, there is no absolute right to bail in all cases under Missouri law.

WHEREAS, upon a showing that the defendant poses a danger to a crime victim, the community, or any other person, bail can be denied or special conditions may be imposed on the defendant as provided in Rule 37.15.

WHEREAS, Missouri law provides that the court shall in all cases release the accused upon his/her written promise to appear, unless the court determines that such release will not reasonably assure the appearance of the accused.

WHEREAS, the Court requires reliable verified information in order to make an informed decision on whether or not to allow bail, and, if bail is permitted, whether or not bail should be upon written promise to appear, whether or not a cash or surety bond is appropriate, and whether or not there should be special conditions imposed as condition of bail.

NOW, THEREFORE, IT IS ORDERED that, effective immediately, in all cases in which the municipal prosecutor is requesting a bond that is not a simple written promise to appear (ROR). The municipal prosecutor shall provide the Court with information that will inform the Court of the facts necessary for the Court to set a reasonable bail, or to deny bail in cases where the denial of bail is proper under the law. This information shall be provided as part of the probable cause statement, or by separate statement signed and on a form bearing notice that false statements made therein are punishable by law. The information shall be presented to the judge reviewing the probable cause statement and issuing the initial arrest warrant. The information provided to the reviewing judge may include, but is not limited to, the following information:

1. The criminal record of the accused, including all convictions and SIS cases;
and

2. Any facts that indicate that the accused poses a danger to a crime victim, the community, or any other person; and
3. The failure to appear history of the accused if the accused has failed to appear for the court dates in the past; and
4. All facts or information that the municipal prosecutor contends justify denying bail upon a written promise to appear; and
5. A description of any special conditions that the municipal prosecutor requests to be imposed as conditions of bail, together with the reasons that justify the imposition of such special conditions of bail; and
6. The amount of any proposed cash or surety bond, and the reasons justifying that bond amount; and
7. In all cases where there is a charge of driving with a revoked license a statement setting forth the reason that the driver's license was revoked.

IT IS FURTHER ORDERED that the municipal prosecutor of each city shall notify all persons who have a right to notice of hearings under the victim rights laws of all hearings regarding bond and pretrial release.

IT IS FURTHER ORDERED that, unless otherwise ordered by the judge assigned to the case, bond review hearings shall require the presentation of evidence on the issues of whether or not the defendant poses danger to a crime victim, the community, or any other person, the criminal history of the defendant, whether or not the defendant has a history of failing to appear in Court, the financial ability of the defendant to make bond, and any other issue raised by the parties.

IT IS FURTHER ORDERED that the municipal prosecutor of each city shall provide a copy of this Administrative Order to all assistant prosecuting attorneys and shall make reasonable efforts to provide a copy of this Administrative Order to the law enforcement

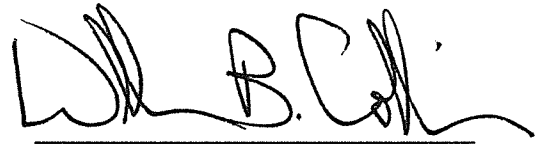
agency in each city, that send cases to the municipal prosecutor to review in anticipation of ordinance violations being filed.

IT IS FURTHER ORDERED that the Public Defender of each city shall provide a copy of this Administrative Order to all assistant public defenders who handle cases filed in Municipality of the the 17th Judicial Circuit.

IT IS FURTHER ORDERED that a copy of this Administrative Order shall be placed on the web page for the respective municipality by the municipal clerk.

IT IS FURTHER ORDERED that a copy of this Administrative Order shall be distributed to all local bar associations.

11-30-16
Date



William B. Collins
Presiding Judge

Certificate of Service

On November 30, 2016, a copy of the above order was delivered to:

All Municipal Judges of the 17th Judicial Circuit in Cass County

All Municipal Prosecutors

All Municipal Clerks