

Amendment to HB 57

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to the standards applicable to bail in criminal matters.

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5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, III(c) to
8 read as follows:

9 (c) Except as provided in RSA 597:1-c, a person who is charged with ***a qualifying***
10 ***offense*** [~~homicide under RSA 630; first degree assault under RSA 631:1; second degree assault~~
11 ~~under RSA 631:2; felony level domestic violence under RSA 631:2 b; aggravated felonious sexual~~
12 ~~assault under RSA 632 A:2; felonious sexual assault under RSA 632 A:3; kidnapping under RSA~~
13 ~~633:1; felony level stalking under RSA 633:3 a, VI(a); trafficking in persons under RSA 633:7;~~
14 ~~robbery under RSA 636:1, III; possession, manufacture, or distribution of child sexual abuse images~~
15 ~~under RSA 649 A; or computer pornography and child exploitation under RSA 649 B;] shall not be
16 brought before a bail commissioner and shall, upon arrest, be detained pending arraignment before
17 the court. Arraignment shall occur no later than 36 hours after the arrest, excluding weekends and
18 holidays. At the person's appearance before the court, the court shall order that the person be
19 detained pending trial if the court determines by a finding of probable cause that release of the
20 person is a danger to that person or the public. In determining whether release will endanger the
21 safety of that person or the public, the court may consider all relevant and material factors
22 presented pursuant to paragraph VI. If the court does not find probable cause that the person must
23 be detained, the court shall order the person released pursuant to subparagraph I(b), or, if
24 applicable, temporarily detained pursuant to subparagraph I(d). A person arrested for violating the
25 conditions of his or her bail for an offense listed in this subparagraph, shall be held until they can be
26 brought before the court at the first available date. If at a subsequent hearing, the court finds
27 probable cause exists that the person violated the conditions of his or her bail for any of the crimes
28 listed in this subparagraph, the defendant shall be held pending trial. ***For the purpose of this***
29 ***subparagraph, "qualifying offense" means any of the following:***~~

30 (1) ***Homicide under RSA 630;***

31 (2) ***First degree assault under RSA 631:1;***

32 (3) ***Second degree assault under RSA 631:2;***

- 1 (4) *Felony level domestic violence under RSA 631:2-b;*
- 2 (5) *Aggravated felonious sexual assault under RSA 632-A:2;*
- 3 (6) *Felonious sexual assault under RSA 632-A:3;*
- 4 (7) *Kidnapping under RSA 633:1;*
- 5 (8) *Felony level stalking under RSA 633:3-a, VI(a);*
- 6 (9) *Trafficking in persons under RSA 633:7;*
- 7 (10) *Robbery under RSA 636:1, III;*
- 8 (11) *Possession, manufacture, or distribution of child sexual abuse images*
- 9 *under RSA 649-A;*
- 10 (12) *Computer pornography and child exploitation under RSA 649-B;*
- 11 (13) *Any felony offense that has as an element the use, attempted use, or*
- 12 *threatened use of physical force against a person; or*
- 13 (14) *Any felony offense, if the person has twice before been convicted of an*
- 14 *offense listed in subparagraph (c).*

15 2 Effective Date. This act shall take effect 180 days after its passage.