

SENATE BILL No. 429

By Committee on Judiciary

2-13

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to conditions of release; establishing requirements for issuing an arrest
3 bond; authorizing judicial districts to establish an arrest bond schedule.
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) Each judicial district may establish by local rule an
7 arrest bond schedule to allow a person who has been arrested and is
8 awaiting the filing of a complaint to post an arrest bond to secure release
9 from custody.

10 (b) If established, an arrest bond schedule:

11 (1) Shall contain a list of eligible offenses, the severity level of each
12 offense and the amount of bail applicable to each offense;

13 (2) shall not allow release on an arrest bond for a person charged with
14 an off-grid felony; and

15 (3) may prohibit release on an arrest bond for a person charged with
16 any other offense, in the discretion of the judicial district; and

17 (4) may permit an automatic increase in the bond amount for a person
18 who is: (A) Not a resident of Kansas; (B) currently on probation, parole or
19 pretrial release; or (C) subject to warrants from other jurisdictions.
20 Evidence of the factors described in this paragraph shall be based on
21 available information at the time of arrest.

22 (c) (1) An arrest bond shall be established in an amount sufficient to
23 assure the appearance of an arrested person before the magistrate when
24 ordered and assure the public safety.

25 (2) An arrest bond amount shall be based on, at minimum, the most
26 severe charge in the arrest report or booking records provided to the jail by
27 the arresting officer. If there are multiple charges, an additional amount
28 may be required for each additional offense.

29 (d) An arrest bond shall be executed with sufficient solvent sureties
30 who are residents of the state of Kansas. A deposit of cash in the full
31 amount of the bond may be made in lieu of the execution of the bond by
32 surety. An arrest bond shall not be permitted to be by the person's own
33 recognizance.

34 (e) An arrest bond shall be conditioned only as follows:

35 (1) The person shall appear before the court at a date and time not to
36 exceed 14 court days from the posting of the arrest bond.

1 (2) If the person is being bonded for a person felony or a person
2 misdemeanor, the arrest bond shall be conditioned on the person being
3 prohibited from having any contact with the alleged victim of such offense
4 for a period of at least 72 hours.

5 (3) The arrest bond shall contain an acknowledgment by the parties
6 thereto that the arrest bond may be, at the discretion of the charging
7 magistrate and at the time of the initial appearance, if a complaint has been
8 filed, converted into an appearance bond pursuant to K.S.A. 22-2802, and
9 amendments thereto. Additional bond conditions, as permitted by K.S.A.
10 22-2802, and amendments thereto, may be added at the time the bond is
11 converted without voiding the bond. Such converted bond shall have the
12 same force and effect as if initially posted pursuant to K.S.A. 22-2802, and
13 amendments thereto.

14 (f) At the time of initial appearance, any bond set by an arrest bond
15 schedule that has not been posted shall be automatically vacated at the
16 time the initial appearance hearing is commenced. At the initial
17 appearance, the magistrate shall set bond in accordance with the factors set
18 forth in K.S.A. 22-2802, and amendments thereto. The magistrate shall not
19 be bound by the arrest bond schedule in determining an appropriate
20 individual bail amount and conditions, but may adopt and convert a posted
21 arrest bond pursuant to subsection (e).

22 (g) A person detained pursuant to an arrest bond shall not be held in
23 custody for longer than 72 hours in lieu of posting such bond and shall be
24 released without bond or a hearing date at the end of 72 hours, unless a
25 complaint has been filed.

26 (h) The surety on an arrest bond may surrender the principal in
27 accordance with K.S.A. 22-2809 and 22-2809a, and amendments thereto.
28 If, at the time of surrender, no complaint has been filed, such principal
29 cannot be held for longer than 72 hours from the time of surrender.

30 (i) Forfeiture of an arrest bond shall be subject to the provisions of
31 K.S.A. 22-2807, and amendments thereto.

32 (j) Exoneration of an arrest bond shall be subject to the provisions of
33 K.S.A. 22-2808, and amendments thereto. In addition, an arrest bond that
34 is not converted to an appearance bond at the initial appearance shall be
35 considered exonerated.

36 (k) This section shall be a part of and supplemental to the Kansas
37 code of criminal procedure.

38 Sec. 2. This act shall take effect and be in force from and after its
39 publication in the statute book.