



HOUSE BILL 813: The Pretrial Integrity Act.

2023-2024 General Assembly

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| Committee: | | Date: | May 3, 2023 |
| Introduced by: | Reps. Bradford, D. Hall, A. Jones | Prepared by: | Susan Sitze |
| Analysis of: | Third Edition | | Staff Attorney |

OVERVIEW: *House Bill 813 would do the following:*

- *Authorize hearings for continued secure custody of 13, 14, or 15 year olds alleged to have committed a Class A felony to be held every 30 days.*
- *Provide judicial discretion in determining whether defendants charged with certain felonies shall be granted pretrial release, and require a judge to set any conditions of release.*
- *Require a judge to determine pretrial release conditions for any defendant charged with a new offense while under conditions of pretrial release for a prior offense, but authorize a magistrate to set conditions if no judge has acted within 48 hours of arrest.*

CURRENT LAW AND BILL ANALYSIS:

Section 1

Juveniles alleged to have committed a criminal offense who are in secure and nonsecure custody have a right to periodic hearings to determine whether the custody continues to be necessary, or if they may be released. After the initial hearing on the merits of the custody order, a juvenile alleged to have committed a crime has a right to further hearings i) every ten days for juveniles in secure custody, or ii) every 30 days for juveniles in nonsecure custody.

Juveniles who are at least 16 years of age and are alleged to have committed a Class A through G felony are entitled to subsequent hearings every 30 days instead of every 10 days.

Section 1 would add juveniles of 13, 14 and 15 years of age alleged to have committed a Class A felony to the list of juveniles entitled to periodic secure custody hearings every 30 days instead of every 10 days.

Section 2

Defendants charged with any crime except first-degree murder are generally entitled to reasonable conditions of pre-trial release. A law enforcement officer making an arrest must take the arrested person to a magistrate or other judicial official without unnecessary delay and the judicial official must determine bail or commitment conditions pending further proceedings.

A judge is permitted, but not required, to set conditions of pre-trial release for charges of first-degree murder. The alternative is a denial of a defendant's bond motion and confinement until trial.

Section 2 would require a judge, rather than a magistrate, to determine whether a defendant charged with certain crimes listed in Section 2 should be granted pretrial release and to set the conditions of that release.

This section would also require a judge, rather than a magistrate, to determine conditions of pretrial release for a defendant who is charged with any new offense while on pretrial release for a prior offense. If a

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judge has not acted within 48 hours from the time of arrest, a magistrate shall set conditions of pretrial release for the defendant.

EFFECTIVE DATE: Sections 1 and 2 of the bill would become effective October 1, 2023, and apply to offenses committed on or after that date. The remainder of the bill would be effective when it becomes law.