

SHJR 4220 - H AMD 1029

By Representative Pedersen

NOT ADOPTED 2/05/2010

1 On page 1, after line 7, strike all material through "great." on  
2 line 12 and insert:

3  
4 " Article I, section 20. All persons charged with crime shall be  
5 bailable by sufficient sureties, except for (~~capital offenses~~) the  
6 following offenses when the proof is evident, or the presumption  
7 great:

8 (a) Capital offenses and other serious violent offenses as defined  
9 by the legislature; and

10 (b) Offenses that may result in a mandatory life sentence without  
11 the possibility of release."

12

**EFFECT:** Removes the language giving judges the discretion to deny bail to a person charged with a crime if only the pretrial detention of the person will reasonably assure public safety.

Provides that a judge has the discretion to deny bail for a person charged with:

- Capital offenses and other serious violent offenses as defined by the Legislature (Aggravated Murder 1, Assault 1, Assault of a Child 1, Homicide by Abuse, Kidnapping 1, Manslaughter 1, Murder 1, Murder 2, Rape 1, and attempt, solicitation, or conspiracy to commit one of these offenses); and
- Offenses that may result in a mandatory life sentence without the possibility of release (Aggravated Murder 1 and persistent offenders).

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