

SECOND REGULAR SESSION

HOUSE BILL NO. 2334

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ALDRIDGE.

4717H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 544.665, RSMo, and to enact in lieu thereof one new section relating to failure to appear, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 544.665, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 544.665, to read as follows:

544.665. 1. In addition to the forfeiture of any security which was given or pledged for a person's release, any person who, having been released upon a recognizance or bond pursuant to any other provisions of law while pending preliminary hearing, trial, sentencing, appeal, probation or parole revocation, or any other stage of a criminal matter against him or her, knowingly fails to appear before any court or judicial officer as required shall be guilty of the ~~[crime]~~ **offense** of failure to appear.

2. Failure to appear is:

(1) A class E felony if the criminal matter for which the person was released included a felony;

(2) ~~[A]~~ **An infraction for the first or second failure to appear on a criminal matter or a class [A] B misdemeanor for the third or subsequent failure to appear on a criminal matter** if the criminal matter for which the person was released includes a misdemeanor or misdemeanors but no felony or felonies;

(3) An infraction if the criminal matter for which the person was released includes only an infraction or infractions;

(4) An infraction if the criminal matter for which the person was released includes only the violation of a municipal ordinance, provided that the sentence imposed shall not

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 exceed the maximum fine which could be imposed for the municipal ordinance for which the
19 accused was arrested.

20 **3. Notwithstanding any other provision of law, no court shall issue a warrant of**
21 **arrest for a person's failure to appear under subdivision (3) or (4) of subsection 2 of this**
22 **section.**

23 **4.** Nothing in sections 544.040 to 544.665 shall prevent the exercise by any court of
24 its power to punish for contempt.

✓