

SECOND REGULAR SESSION

SENATE BILL NO. 899

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Read 1st time January 16, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4965S.011

AN ACT

To amend supreme court rules 21.03, 21.04, 21.05, 21.06, 21.09, 21.10, 22.03, 22.04, 22.05, 22.07, 22.08, 22.09, 33.01, 33.02, 33.04, 33.05, 33.06, 33.07, 33.08, 33.09, 33.10, and 33.11, relating to criminal procedure.

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

Section A. Supreme court rules 21.03, 21.04, 21.05, 21.06, 21.09, 21.10, 22.03, 22.04, 22.05, 22.07, 22.08, 22.09, 33.01, 33.02, 33.04, 33.05, 33.06, 33.07, 33.08, 33.09, 33.10, and 33.11, are amended, to read as follows:

21.03. Misdemeanors - Summons or Warrant of Arrest - When Issued

(a) When an information is filed pursuant to Rule 21.02, a summons shall be issued unless the court finds that sufficient facts have been stated to show probable cause that a misdemeanor has been committed and **that** there are reasonable grounds to believe **that**:

(1) The defendant will not appear upon the summons; or

(2) The defendant poses a danger to a crime victim, the community, or any other person.

If the court so finds, a warrant **[of] for the arrest [for] of** the defendant may be issued.

(b) When an indictment charging the commission of a misdemeanor is returned, either a summons or warrant **[of] for** arrest may be issued.

(c) When an information or indictment charges a corporation with the commission of a misdemeanor, a summons shall be issued.

(d) If a warrant is issued under this Rule, the court shall take into account, on the basis of available information, which may include a written recommendation from the State, the factors set forth in Rule 33.01(e) when

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 setting the condition or combination of conditions of release, if any, required by
19 Rule 33.01(b) and allowed by Rule 33.01(c).]

21.04. Misdemeanors - Statement of Probable Cause - Contents

2 A statement of probable cause must be in writing and shall:

3 (a) State the name of the [defendant] **accused** or, if not known, designate
4 the [defendant] **accused** by any name or description by which the [defendant]
5 **accused** can be identified with reasonable certainty;

6 (b) State the date and place of the [offense] **crime** as definitely as can be
7 done;

8 (c) State the facts that support a finding of probable cause to believe [an
9 offense] **a crime** was committed and that the [defendant] **accused** committed
10 it;

11 (d) [If a warrant will be requested, state the facts, if any, that support a
12 finding of reasonable grounds to believe the defendant will not appear upon a
13 summons or the defendant poses a danger to a crime victim, the community, or
14 any other person;

15 (e)] State that the facts contained therein are true; and

16 [(f)] **(e)** Be signed and on a form bearing notice that false statements
17 made therein are punishable by law.

21.05. Misdemeanor - Summons - Contents

2 The summons shall:

3 (a) Be in writing and in the name of the State of Missouri;

4 (b) State the name of the defendant summoned;

5 (c) Describe the misdemeanor charged;

6 (d) Be signed by [the court] **a judge**, or **by a clerk** [at the court's
7 direction for a specific summons] **of the court when directed by the judge**;
8 and

9 (e) Command the [defendant] **person** to appear before the court at a
10 stated time and place in response thereto.

21.06. Misdemeanors - Warrant [for] of Arrest - Contents

2 (a) The warrant [for] **of** arrest must be in writing and issued in the name
3 of the State of Missouri. It may be directed to any peace officer in the state.

4 (b) The warrant shall:

5 (1) Contain the name of the [defendant] **person** to be arrested or, if not
6 known, any name or description by which the defendant can be identified with
7 reasonable certainty;

- 8 (2) Describe the offense charged in the information or indictment;
- 9 (3) State the date when issued and the county where issued;
- 10 (4) Command that the defendant named or described therein be arrested
11 and brought forthwith[, in person, or by interactive video technology,] before the
12 court designated in the warrant;
- 13 (5) Specify the [condition or combination of] conditions of release[, if any,
14 required by Rule 33.01(b) and allowed by Rule 33.01(c), or the determination
15 made under Rule 33.01(d)]; and
- 16 (6) Be signed by [the court,] **a judge** or **by a clerk** [at the court's
17 direction for a specific warrant] **of the court when directed by the judge.**

21.09. Misdemeanors - [Initial] Appearance Under Warrant Before [the
2 Court] **Judge**

3 A [defendant] **person** arrested [and confined] under [the initial] **a**
4 warrant for any misdemeanor [offense issued pursuant to Rule 21.03 or Rule
5 21.08] shall be brought **as soon as practicable** [forthwith for an appearance,
6 as set forth in Rule 21.10, in person or by interactive video technology,] before a
7 judge of the court from which the warrant was issued. [This initial appearance
8 shall be held no later than 48 hours, excluding weekends and holidays, after the
9 defendant is confined under the warrant in the county that issued the warrant
10 or in a county with which the county issuing the warrant has a contractual
11 agreement to hold the defendant.]

12 The warrant, with proper return thereon, shall be filed with the court
13 [forthwith].

21.10. Misdemeanors - Initial [Appearance] **Proceedings** Before [the
2 Court] **Judge**

3 Upon the defendant's initial appearance[:

4 (a) The court] **the judge** shall inform the defendant of the misdemeanor
5 charged, the right to retain counsel, the right to request the appointment of
6 counsel if the defendant is unable to retain counsel, and the right to remain
7 silent. The [court] **judge** shall also inform the defendant that any statement
8 made by the defendant may be used against the defendant.

9 [(b) If the defendant is appearing after release from custody on a warrant,
10 the court shall inform the defendant of the conditions of release and that a
11 warrant may be issued immediately upon any violation of a condition of
12 release. The court shall also advise the defendant of the right to apply for a
13 modification of any conditions of release at a hearing pursuant to Rule 33.06.

14 (c) If the defendant is in custody after arrest on a warrant, the court shall
15 inform the defendant of the conditions of release, if any, and determine whether
16 the defendant can meet the conditions. If a defendant is unable to meet the
17 conditions, then, subject to the right of a victim to be informed of and heard at
18 a bail hearing, the court may modify the conditions of release, if the court
19 determines the circumstances of the defendant and the case require modification
20 of the conditions. The court shall inform the defendant that a warrant for arrest
21 may be issued immediately upon any violation of a condition of release. If the
22 defendant is not released from custody following the initial appearance, the court
23 shall advise the defendant of the right to a release hearing pursuant to Rule
24 33.05.

25 (d) If the defendant has appeared on a summons and the offense is
26 required to be given an offense cycle number, the court shall ensure the
27 defendant has been fingerprinted and processed by the appropriate law
28 enforcement agency for the purposes of creating an offense cycle number.]

22.03. Felonies - Statement of Probable Cause - Contents

2 A statement of probable cause must be in writing and shall:

3 (a) State the name of the [defendant] **accused** or, if not known, designate
4 the [defendant] **accused** by any name or description by which the [defendant]
5 **accused** can be identified with reasonable certainty;

6 (b) State the date and place of the [offense] **crime** as definitely as can be
7 done;

8 (c) State the facts that support a finding of probable cause to believe [an
9 offense] **a crime** was committed and that the [defendant] **accused** committed
10 it;

11 (d) [If a warrant will be requested, state the facts, if any, that support a
12 finding of reasonable grounds to believe the defendant will not appear upon a
13 summons or the defendant poses a danger to a crime victim, the community, or
14 any other person;

15 (e)] State [that] the facts contained therein are true; and

16 [(f)] **(e)** Be signed and on a form bearing notice that false statements
17 made therein are punishable by law.

22.04. Felonies - [Summons or] Warrant of Arrest - When Issued

2 (a) [When a complaint is filed pursuant to Rule 22.02 and] **Unless the**
3 **court orders the issuance of a summons, a warrant for the arrest of the**
4 **defendant shall be issued:**

5 **(1) Upon the filing of a complaint and finding by the court that**
6 sufficient facts have been stated **therein** to show probable cause that a felony
7 has been committed[, a summons shall be issued unless the court finds there are
8 reasonable grounds to believe:

9 (1) The defendant will not appear upon the summons; or

10 (2) The defendant poses a danger to a crime victim, the community, or any
11 other person.

12 If the court so finds, a warrant of arrest for the defendant may be issued.

13 (b) When] **by the defendant, or**

14 **(2) Upon the return of** an indictment charging the commission of a
15 felony [is returned, either a summons or warrant of arrest may be issued].

16 [(c)] **(b)** When a complaint or an indictment charges a corporation with
17 the commission of a felony, a summons shall be issued.

18 [(d) If a warrant is issued under this Rule, the court shall take into
19 account, on the basis of available information, which may include a written
20 recommendation from the State, the factors set forth in Rule 33.01(e) when
21 setting the condition or combination of conditions of release, if any, required by
22 Rule 33.01(b) and allowed by Rule 33.01(c).]

22.05. Felonies - Warrant [for] of Arrest – Contents

2 (a) The warrant [for] of arrest must be in writing and issued in the name
3 of the State of Missouri. It may be directed to any peace officer in the state.

4 (b) The warrant shall:

5 (1) Contain the name of the [defendant] **person** to be arrested or, if not
6 known, any name or description by which the [defendant] **accused** can be
7 identified with reasonable certainty;

8 (2) Describe the felony charged in the complaint or indictment;

9 (3) State the date when issued and the county where issued;

10 (4) Command that the defendant named or described therein be arrested
11 and brought forthwith[, in person or by interactive video technology,] before the
12 court designated in the warrant;

13 (5) Specify the [condition or combination of] conditions of release[, if any,
14 required by Rule 33.01(b) and allowed by Rule 33.01(c), or the determination
15 made under Rule 33.01(d)]; and

16 (6) Be signed by [the court] **a judge**, or **by a clerk** [at the court's
17 direction] **of the court when directed by the judge** for a specific warrant.

22.07. Felonies - [Initial] Appearance Under Warrant Before [the Court]

2 Judge

3 A [defendant] **person** arrested [and confined] under [the initial] **a**
4 warrant for any felony [offense issued pursuant to Rule 22.04 or Rule 22.06] shall
5 be brought [forthwith for an appearance, as set forth in Rule 22.08, in person or
6 by interactive video technology,] **as soon as practicable** before a judge of the
7 court from which the warrant was issued. [This initial appearance shall be held
8 no later than 48 hours, excluding weekends and holidays, after the defendant is
9 confined under the warrant in the county that issued the warrant or in a county
10 with which the county issuing the warrant has a contractual agreement to hold
11 the defendant.]

12 The warrant, with proper return thereon, shall be filed with the court
13 [forthwith].

22.08. Felonies - Initial [Appearance] Proceedings Before [the Court]**2 Judge**

3 Upon the defendant's initial appearance[:

4 (a) The court], **the judge** shall inform the defendant of the felony
5 charged, the right to retain counsel, the right to request the appointment of
6 counsel if the defendant is unable to retain counsel, and the right to remain
7 silent. The [court] **judge** shall also inform the defendant that any statement
8 made by the defendant may be used against the defendant.

9 [(b) If the defendant is appearing after release from custody on a warrant,
10 the court shall inform the defendant of the conditions of release and that a
11 warrant may be issued immediately upon any violation of a condition of
12 release. The court shall also advise the defendant of the right to apply for a
13 modification of any conditions of release at a hearing pursuant to Rule 33.06.

14 (c) If the defendant is in custody after arrest on a warrant, the court shall
15 inform the defendant of the conditions of release, if any, and determine whether
16 the defendant can meet the conditions. If a defendant is unable to meet the
17 conditions, then, subject to the right of a victim to be informed of and heard at
18 a bail hearing, the court may modify the conditions of release, if the court
19 determines the circumstances of the defendant and the case require modification
20 of the conditions. The court shall inform the defendant that a warrant for arrest
21 may be issued immediately upon any violation of a condition of release. If the
22 defendant is not released from custody following the initial appearance, the court
23 shall advise the defendant of the right to a release hearing pursuant to Rule
24 33.05.

25 (d) If the defendant has appeared on a summons and the offense is
26 required to be given an offense cycle number, the court shall ensure the
27 defendant has been fingerprinted and processed by the appropriate law
28 enforcement agency for the purposes of creating an offense cycle number.]

22.09. Felonies - Preliminary Hearing

2 (a) Preliminary Hearing. After the filing of a felony complaint, a
3 preliminary hearing shall be held within a reasonable time. At the preliminary
4 hearing the defendant shall not be called upon to plead.

5 If the defendant waives preliminary hearing, the [court] **judge** shall order
6 the defendant to appear to answer to the charge.

7 (b) Conduct of Hearing and Finding by [the Court] **Judge**. If the
8 defendant does not waive preliminary hearing, the hearing shall be held. The
9 defendant may cross-examine witnesses and may introduce evidence.

10 If the [court] **judge** finds probable cause to believe **that** a felony has been
11 committed and **that** the defendant has committed it, the [court] **judge** shall
12 order the defendant to appear and answer to the charge; otherwise, the [court]
13 **judge** shall discharge the defendant.

14 (c) Defendant to Appear in Court to Answer the Charge. If the defendant
15 is held to answer to the charge, the [court] **judge** shall order the defendant to
16 appear in the appropriate division on a day certain as soon as practicable, but not
17 more than 40 days after completion of the preliminary hearing.

18 Within five days after concluding the proceedings, the [court] **judge** shall
19 cause all papers in the proceeding and any bail posted by the defendant to be
20 transmitted to that division.

33.01. Misdemeanors or Felonies - Right to Release - Conditions

2 (a) [A defendant] **Any person** charged with a bailable offense shall be
3 entitled to be released [from custody] pending trial [or other stage of the criminal
4 proceedings]. **Any person convicted of an offense entitled to be released**
5 **upon appeal shall be released upon appeal until adoption by the court**
6 **of an opinion affirming the judgment of conviction. The affirming court**
7 **may, by special order, permit the defendant to remain on bond after**
8 **affirmance pending determination of after-affirmance motions or**
9 **applications.**

10 (b) [The defendant's release shall be upon the conditions that:

11 (1) The defendant] **The court shall set such conditions for release**
12 **as will reasonably assure the appearance of the accused.**

13 **(c) The release shall be upon condition that the accused** will
14 appear in the court, **or in any other court, trial or appellate**, in which the
15 case [is] **may be** prosecuted or appealed, from time to time as required to answer
16 the criminal charge[;

17 (2) The defendant]; **that he** will submit to the orders, judgment and
18 sentence[,] and process of [the] **any** court having jurisdiction [over the defendant;

19 (3) The defendant shall not commit any new offenses and shall not tamper
20 with any victim or witness in the case, nor have any person do so on the
21 defendant's behalf; and

22 (4) The defendant] **thereof; and that** will comply fully with any [and all]
23 conditions imposed by the court in granting release.

24 [(c)] **(d)** The court shall **in all cases** release the [defendant on the
25 defendant's own recognizance subject only to the conditions under subsection (b)
26 with no additional conditions of release] **accused upon his written promise**
27 **to appear**, unless the court determines **that** such release will not [secure]
28 **reasonably assure** the appearance of the [defendant at trial, or at any other
29 stage of the criminal proceedings, or the safety of the community or other person,
30 including but not limited to the crime victims and witnesses] **accused**. If the
31 court so determines[,] it shall [set and impose additional conditions of release
32 pursuant to this subsection.

33 The court shall set and impose the least restrictive condition or
34 combination of conditions of release, and the court shall not set or impose any
35 condition or combination of conditions of release greater than necessary to secure
36 the appearance of the defendant at trial, or at any other stage of the criminal
37 proceedings, or the safety of the community or other person, including but not
38 limited to the crime victims and witnesses.

39 When considering the least restrictive condition or combination of
40 conditions of release to set and impose, the court shall first consider
41 non-monetary conditions. Should the court determine non-monetary conditions
42 alone will not secure the appearance of the defendant at trial, or at any other
43 stage of the criminal proceedings, or the safety of the community or other person,
44 including but not limited to the crime victims and witnesses, then the court may
45 consider monetary conditions or a combination of non-monetary and monetary
46 conditions to satisfy the foregoing. After considering the defendant's ability to
47 pay, a monetary condition fixed at more than is necessary to secure the
48 appearance of the defendant at trial, or at any other stage of the criminal

49 proceedings, or the safety of the community or other person, including but not
50 limited to the crime victims and witnesses, is impermissible.

51 If the court determines additional conditions of release are required
52 pursuant to this subsection, it shall set and] impose one or more of the following
53 conditions [of release] **for his release which will reasonably assure such**
54 **appearance:**

55 (1) Place the [defendant] **person** in the custody of a designated person
56 or organization agreeing to supervise [the defendant] **him;**

57 (2) Place [restrictions] **restriction** on the travel, association, or place of
58 abode of the [defendant] **person** during the period of release[, including the
59 holding by the court of the defendant's passport];

60 (3) **Require the execution of a bond in a stated amount with**
61 **sufficient solvent sureties, or the deposit in the registry of court of the**
62 **sum in cash or negotiable bonds of the United States or of the State of**
63 **Missouri or any political subdivision thereof;**

64 (4) Require the [defendant] **person** to report regularly to some officer of
65 the court or peace officer, in such manner as the court directs;

66 [(4) Require the use of electronic monitoring of defendant's location, the
67 testing of defendant for drug or alcohol use, or the installation and use of ignition
68 interlock devices. The court may order the eligible defendant to pay all or a
69 portion of the costs of such conditions, but the court shall consider how best to
70 minimize the costs to the defendant and waive the costs for an eligible defendant
71 who is indigent and who has demonstrated to the court an inability to pay all or
72 a portion of the costs;

73 (5) Require the defendant to seek employment, to maintain employment,
74 or to maintain or commence an educational program;

75 (6) Require the defendant to comply with a specified curfew;

76 (7) Require the defendant to refrain from possessing a firearm or other
77 deadly weapon;

78 (8) Require the defendant to abstain from possession or use of alcohol or
79 any controlled substance without a physician's prescription;

80 (9) Require the defendant to undergo available medical, psychological or
81 psychiatric treatment, including treatment for drug or alcohol dependency and
82 remain in a specified institution if required for that purpose;

83 (10) Require the defendant to return to custody for specified hours
84 following release for employment, school, treatment, or other limited purpose;

85 (11) Require the defendant to be placed on home supervision with or
86 without the use of an electronic monitoring device. The court may order the
87 eligible defendant to pay all or a portion of the costs of the electronic monitoring,
88 but the court shall consider how best to minimize the costs of such condition to
89 the defendant and waive the costs for an eligible defendant who is indigent and
90 who has demonstrated to the court an inability to pay all or a portion of the costs;

91 (12) Require the defendant to execute a monetary bond in a stated amount
92 wherein the defendant promises to pay to the court the stated amount should the
93 defendant fail to appear or abide by the conditions of release;

94 (13) Require the execution of a monetary bond in a stated amount with
95 sufficient sureties, or the deposit in the registry of the court of a sum in cash or
96 negotiable bonds of the United States or the State of Missouri or any political
97 subdivision;

98 (14) (5) Require the execution of a [monetary] bond in a stated amount
99 and the deposit in the registry of the court of [10] **ten** percent, or such lesser sum
100 as the court directs, of such sum in cash or negotiable bonds of the United States
101 or the State of Missouri or any political subdivision **thereof**;

102 [(15) Require the deposit of a property bond of sufficient value as
103 approved and directed by the court;

104 (16) (6) Impose **any** other conditions **deemed reasonably** necessary to
105 [secure the] **assure** appearance [of the defendant at trial, or at any other stage
106 of the criminal proceedings, or the safety of the community or other person] **as**
107 **required**, including [but not limited to the crime victims and witnesses] **a**
108 **condition requiring that the person return to custody after specified**
109 **hours**.

110 [(d) Should the court determine upon clear and convincing evidence that
111 no combination of non-monetary conditions and monetary conditions will secure
112 the safety of the community or other person, including but not limited to the
113 crime victims and witnesses, then the court shall order the defendant detained
114 pending trial or any other stage of the criminal proceedings. A defendant so
115 detained shall, upon written request filed after arraignment, be entitled to a trial
116 which begins within 120 days of the defendant's request or within 120 days of an
117 order granting a change of venue, whichever occurs later. Any request by the
118 defendant to continue the trial beyond the 120 days shall be considered a waiver
119 by the defendant of the right to have the trial conducted within 120 days.]

120 (e) In determining [whether to detain the defendant pursuant to

121 subsection (d) or release the defendant with a condition or combination of] **which**
122 conditions of release **will reasonably assure appearance**, [if any, pursuant
123 to subsection (c),] the court shall [base its determination on the individual
124 circumstances of the defendant and the case. Based], on **the basis of** available
125 information, [the court shall] take into account: the nature and circumstances
126 of the offense charged[;] the weight of the evidence against the [defendant;]
127 **accused**, the [defendant's] **accused's** family ties, employment, financial
128 resources, [including ability to pay,] character, [and] mental condition[;], the
129 length of [the defendant's] **his** residence in the community [; the defendant's],
130 **his** record of convictions [; the defendant's], **and his** record of appearance at
131 court proceedings or flight to avoid prosecution or failure to appear at court
132 proceedings[; whether the defendant was on probation, parole or release pending
133 trial or appeal at the time the offense for which the court is considering detention
134 or release was committed; and any validated evidentiary-based risk assessment
135 tool approved by the Supreme Court of Missouri].

136 (f) A court [detaining or] releasing [the defendant] **a person** under this
137 Rule shall enter an order stating the [condition or combination of] conditions [of
138 release, if any, set and] imposed [by the court. If the defendant is detained and
139 unable to comply with any condition of release, the defendant shall have the right
140 to a release hearing pursuant to Rule 33.05. At any hearing conducted under
141 Rule 33, the court shall permit but not require either party to make a record on
142 the defendant's financial status and ability to pay any monetary condition or
143 other relevant issue. At such hearing, the court shall also make written or oral
144 findings on the record supporting the reasons for detention or conditions set and
145 imposed]. The court shall inform [the defendant] **such person** of the conditions
146 [set and] imposed [, if any, and that the conditions of release may be revoked and
147 the defendant detained until trial or other stage of the criminal proceedings for
148 violation of any] **and of the penalties applicable to violations** of the
149 conditions of **his** release and **shall advise him** that a warrant for [the
150 defendant's] **his** arrest [may] **will** be issued immediately upon [notification to
151 the court of] any such violation.

33.02. Misdemeanors or Felonies - Warrant for Arrest - **Officials**
2 **Authorized to Set Conditions of Release** - Conditions to be Stated on
3 Warrant

4 The court[,] or clerk [at the court's direction for a specific warrant,]
5 **thereof** issuing a warrant for the arrest of any [defendant] **person** shall [state]

6 set the condition [or combination of conditions of] for release [, if any, on the
7 warrant for arrest] of the accused which shall be one of the following:

8 (a) The written promise of the accused to appear; or

9 (b) The execution of a bond in a stated amount pursuant to Rule
10 33.01(d)(3); or

11 (c) The execution of a bond in a stated amount pursuant to Rule
12 33.01(d)(5).

13 The condition of release shall be stated on the warrant of arrest.
14 If the condition of release is not stated on the warrant the sheriff may
15 set the condition of release specified in Rule 33.01(d)(3).

33.04. Misdemeanors or Felonies - Officer Authorized to Accept Conditions
2 of Release

3 The court or clerk who the [that] set conditions of release, [the clerk
4 thereof,] or the sheriff, may accept the conditions of release and release the
5 [defendant] accused.

33.05. Misdemeanors or Felonies - [Release Hearing] **Right to Review**
2 **of Conditions**

3 [A defendant who continues to be detained after the initial appearance
4 under Rule 21.10 or Rule 22.08 shall have the defendant's detention or conditions
5 of release reviewed at a hearing by the court subject to the right of a victim to be
6 informed of and heard at the hearing. The hearing shall occur as soon as
7 practicable but no later than seven days, excluding weekends and holidays, after
8 the initial appearance, absent good cause shown by the parties or the court. At
9 the hearing, the court shall determine if the defendant shall be detained or
10 released as provided in Rule 33.01. Nothing herein shall prohibit a defendant
11 from making subsequent application for review of the defendant's detention or
12 conditions of release under Rule 33.01.]

13 **A person for whom conditions of release are imposed and who**
14 **after twenty-four hours from the time of the release hearing continues**
15 **to be detained as a result of his inability to meet the conditions of**
16 **release shall, upon application, be entitled to have the conditions**
17 **reviewed by the court which imposed them. The application shall be**
18 **determined promptly.**

33.06. Misdemeanors or Felonies - Modification of Conditions of Release

2 (a) Upon motion by the state or by the [defendant] **accused**, or upon the
3 court's own motion, the court[, subject to the right of a victim to be informed of

4 and be heard, and] **in which the proceeding is pending may**, after notice to
5 the parties and hearing, [may] modify the [conditions of] **requirements for**
6 release when the court finds that:

7 (1) New, different[,] or additional requirements for release are necessary;

8 or

9 (2) The conditions [of] **for** release which have been set are excessive; or

10 (3) The [defendant] **accused** has failed to comply with or has violated the
11 conditions [of] **for his** release; or

12 (4) The [defendant] **accused** has been convicted of the offense charged.

13 (b) When the [conditions of] **requirements for** release are increased by
14 the court, or new [conditions of release] **requirements** are set [and imposed, the
15 court may remand the defendant], **the accused shall be remanded** to the
16 custody of the sheriff or other officer until compliance with the modified
17 conditions. If the [defendant] **accused** is not in custody, the court may order
18 that a warrant for [the defendant's] **his** arrest be issued.

33.07. Misdemeanors or Felonies - Rules of Evidence Inapplicable

2 Proceedings under Rule 33 shall be informal and **technical** rules of
3 evidence need not apply.

33.08. Misdemeanors or Felonies - Rearrest of [Defendant] **Accused**

2 The court may order [a warrant for] the arrest of [a defendant] **an**
3 **accused** who has been released [pursuant to Rule 33.01] if it shall appear to the
4 court that:

5 (a) There has been a breach of any condition [of release, including but not
6 limited to failure to appear for a court ordered court appearance] **for the**
7 **release**; or

8 (b) [The conditions of release should be modified or new or additional
9 conditions imposed.] **The bail should be increased or new or additional**
10 **security be required or new conditions for release be imposed.**

11 [A defendant arrested and confined on a warrant under this Rule] **The**
12 **accused, upon application**, shall be entitled to a hearing [forthwith, as set
13 forth below,] concerning the reasons for the issuance of the [warrant] **order**.

14 [A defendant who has not previously had an initial appearance under Rule
15 21.10 or Rule 22.08 shall be brought for an appearance, in person or by
16 interactive video technology, before a judge of the court from which the warrant
17 was issued, as provided by Rule 21.09 or Rule 22.07. This initial appearance
18 shall be held no later than 48 hours, excluding weekends and holidays, after the

19 defendant is confined under the warrant in the county that issued the warrant
20 or in a county with which the county issuing the warrant has a contractual
21 agreement to hold the defendant.

22 A defendant who has previously had an initial appearance under Rule
23 21.10 or Rule 22.08 shall be brought for an appearance, in person or by
24 interactive video technology, before a judge of the court from which the warrant
25 was issued. This appearance shall be held no later than seven days, excluding
26 weekends and holidays, after the defendant is confined under the warrant in the
27 county that issued the warrant or in a county with which the county issuing the
28 warrant has a contractual agreement to hold the defendant.]

33.09. Misdemeanors or Felonies - Failure of Court to Set Conditions [of
2 Release,] or Setting of Inadequate or Excessive Conditions [of] **for** Release -
3 Application to Higher Court

4 Pursuant to these rules, applicable statutes and constitutional provisions,
5 if [the defendant or the state allege the court unlawfully detained the defendant,
6 failed to detain the defendant, or set] **a court fails to set conditions for**
7 **release, or sets** inadequate or excessive conditions [of release, the defendant],
8 **an accused** or the state may seek remedial writ relief in a higher court pursuant
9 to Rule 84.24.

33.10. Misdemeanors or Felonies - Transmittal of Record by Clerk of the
2 Releasing Court

3 When any [defendant] **person** is released by a court other than the court
4 in which the [defendant] **person** is to appear[,] the clerk of the releasing court
5 shall transmit a record of the release, together with any conditions [of release]
6 imposed, to the clerk of the court in which the [defendant] **person** released is
7 required to appear.

33.11. Misdemeanors or Felonies - Bonds - Where Filed - Certification by
2 Sheriff or Peace Officer - Cash Bonds

3 All bonds shall be filed by the clerk of the court in which the [defendant]
4 **person** is required to appear. All bonds taken by the sheriff or by any other
5 peace officer shall be certified by such officer and transmitted **forthwith** to the
6 clerk of the court in which the [defendant] **person** is required to appear. When
7 cash or securities specified in Rule 33.01 are taken they shall be delivered
8 **forthwith** to the clerk of the court in which the [defendant] **person** is required
9 to appear and deposited in the registry of the court.