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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 854

01/25/2023 Authored by Frazier, Noor, Agbaje, Hollins, Sencer-Mura and others
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; limiting the use of money bail for certain offenses;
1.3 amending Minnesota Statutes 2022, section 629.53.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2022, section 629.53, is amended to read:

1.6 629.53 PROVIDING RELEASE ON BAIL; COMMITMENT.

1.7 Subdivision 1. Pretrial release. A person charged with a criminal offense may be
1.8 released with or without bail in accordance with rule 6.02 of the Rules of Criminal Procedure
1.9 and this section. To the extent a court determines there is a conflict between rule 6.02 of
1.10 the Rules of Criminal Procedure and this section, this section shall control.

1.11 Subd. 2. Release of a person charged with a misdemeanor offense. (a) A defendant
1.12 charged with a misdemeanor offense, other than a violation identified in paragraph (e), must
1.13 be released on personal recognizance unless the court determines that there is a substantial
1.14 likelihood that the defendant will not appear at future court proceedings or poses a threat
1.15 to a victim's safety.

1.16 (b) If the court determines that there is a substantial likelihood that a defendant will not
1.17 appear at future court appearances, the court must impose the least restrictive conditions of
1.18 release that will reasonably assure the person's appearance as ordered. These conditions of
1.19 release include but are not limited to an unsecured appearance bond or money bail on which
1.20 the defendant may be released by posting cash or sureties. If the court sets conditions of
1.21 release other than an unsecured appearance bond or money bail, it must also set money bail
1.22 without other conditions on which the defendant may be released.

2.1 (c) The court must not impose a financial condition of release on a defendant subject to
2.2 this subdivision that results in the pretrial detention of the defendant. Financial conditions
2.3 of release include but are not limited to money bail.

2.4 (d) If a defendant subject to this subdivision remains in custody for more than 48 hours
2.5 after the court imposes a financial condition of release, the court must review the conditions
2.6 of release and there exists a rebuttable presumption that the financial condition resulted in
2.7 the pretrial detention of the defendant.

2.8 (e) This subdivision does not apply to violations of:

2.9 (1) section 169A.20;

2.10 (2) section 518B.01;

2.11 (3) section 609.224;

2.12 (4) section 609.2242;

2.13 (5) section 609.748;

2.14 (6) section 609.749; and

2.15 (7) section 629.75.

2.16 (f) If a defendant released pursuant to paragraph (a) or (b) fails to appear at a required
2.17 court hearing, the court shall issue a summons or warrant directing that the defendant appear
2.18 in court pursuant to rule 6.03 of the Rules of Criminal Procedure.

2.19 Subd. 3. **Presumption of release on personal recognizance.** Except as described in
2.20 subdivision 2, on appearance before the court, a defendant charged with a misdemeanor
2.21 must be released on personal recognizance or an unsecured appearance bond unless otherwise
2.22 provided by law, or a court determines that release will endanger the public safety, a victim's
2.23 safety, or will not reasonably assure the defendant's appearance.

2.24 Subd. 4. **Money bail; disposition.** Money bail is the property of the accused, whether
2.25 deposited by that person or by a third person on the accused's behalf. When money bail is
2.26 accepted by a judge, that judge shall order it to be deposited with the court administrator.
2.27 The court administrator shall retain it until the final disposition of the case and the final
2.28 order of the court disposing of the case. Upon release, the amount released must be paid to
2.29 the accused personally or upon that person's written order. In case of conviction, the judge
2.30 may order the money bail deposit to be applied to any fine or restitution imposed on the
2.31 defendant by the court and, if the fine or restitution is less than the deposit, order the balance

- 3.1 to be paid to the defendant. Money bail deposited with the court or any officer of it is exempt
- 3.2 from garnishment or levy under attachment or execution.
- 3.3 **EFFECTIVE DATE.** This section is effective August 1, 2023.