

Act No. 43 (S.7). Crimes and criminal procedures; corrections

An act relating to bail determinations concerning a defendant charged with lewd and lascivious conduct with a child

This act designates lewd and lascivious conduct with a child as a violent offense for the purpose of bail determination, providing that denial of bail is an option in cases where the defendant is charged with L & L w/ a child, the evidence of guilt is great, and the Court finds by clear and convincing evidence that the person's release poses a substantial threat of physical violence to any person and that no conditions of release will reasonably prevent the physical violence.

The act restricts the Court's ability to order release to the custody of a responsible adult as a pretrial condition to cases where the defendant is charged with a violent offense.

The act also requires the Department of Corrections to adopt rules regarding increasing community housing options for offenders who have served at least their minimum sentence for a nonviolent offense and are eligible to be released on furlough and requires the Department to report to the Corrections Oversight Committee regarding a plan for reducing the growing number of nonviolent offenders being held past their minimum sentence because of the lack of community housing and regarding its proposal for rulemaking. The report must include data for offenders who are held past their minimum sentence for lack of housing, the offenders' risk levels, and whether they were released and reincarcerated due to violating conditions.

Multiple effective dates, beginning on June 1, 2015