

**Hall of the House of Representatives**  
93rd General Assembly - Regular Session, 2021  
**Amendment Form**

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**Subtitle of House Bill No. 1618**

CONCERNING THE RELEASE FROM CUSTODY OF A PERSON ON BAIL OR BY THE ISSUANCE OF A  
CITATION.

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**Amendment No. 3 to House Bill 1618**

Amend House Bill No. 1618 as engrossed H3/18/21 (version: 03/18/2021 10:28:32 AM):

Page 2, delete lines 9 through 36

AND

Page 3, delete lines 1 through 9, and substitute the following:

~~"(2)(A) If the offense charged is a misdemeanor, the person arrested may immediately give bail for appearing on a day to be named in the bail bond before the judge or magistrate who issued the warrant or before the court having jurisdiction to try the offense. The sheriff or other officer making the arrest may be authorized by the judge or magistrate issuing the warrant to take the bail by an endorsement made on the warrant to that effect~~  
Except for an offense listed under subdivision (a)(4) of this section, for a misdemeanor offense, the arresting officer shall issue an electronic citation or prepare in duplicate a written citation to appear in court containing:

(i) The name and address of the person;  
(ii) The driver's license, state identification, or passport number of the person;

(iii) The offense charged; and  
(iv)(a) The time and location of the person's court date, including the court's contact information.

(b) The time specified to appear shall be at least five (5) days after the issuance of the citation.

(c) The location specified to appear shall be before a district court judge with jurisdiction within the county in which the offense charged is alleged to have been committed.

(B) If issued a written citation, the arrested person shall give his or her written promise to appear in court by signing in duplicate the written citation prepared by the arresting officer.

(C) If issued an electronic citation, the arrested person shall acknowledge receipt of the electronic citation and give his or her promise to appear in court by acceptance of the electronic citation.



(D) The original of the citation shall be retained by the officer or electronically transmitted to the district court, and a copy of the citation shall be delivered to the person arrested.

(3) Cash or money bail in any form for ordinance violations is prohibited.

(4) For the following misdemeanor offenses, a judicial officer shall set cash or money bail only after he or she determines that no other conditions will reasonably ensure the appearance of the defendant in court:

(A) Negligent homicide, § 5-10-105;

(B) Battery in the third degree, § 5-13-203;

(C) Sexual assault in the fourth degree, § 5-14-127;

(D) Domestic battering in the third degree, § 5-26-305; or

(E) Driving or boating while intoxicated, § 5-65-103."

The Amendment was read \_\_\_\_\_

By: Representative Richardson  
BPG/BPG - 04-06-2021 09:55:02  
BPG512

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Chief Clerk