The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

DIGEST 2022 Regular Session

Morris

<u>Present constitution</u> provides for mandatory granting of bail when the maximum sentence a defendant faces is less than five years, but gives the judge discretion to grant bail when the maximum sentence which may be imposed is greater than five years.

<u>Proposed constitutional amendment</u> deletes the provision for granting of bail after a defendant has been convicted but has not yet been sentenced, and adds that the person may be bailable in accordance with any provision of law.

<u>Proposed constitutional amendment</u> deletes the provision for denying post-conviction bail for a person charged with a crime of violence or with production, manufacture, distribution, or dispensing or possession with intent to produce, manufacture, distribute, or dispense a controlled danger substance, after a contradictory hearing, where the court determines by clear and convincing evidence that there is substantial risk that a person may flee or possess an imminent danger to any other person in the community, and adds that the person may be bailable in accordance with any provision of law.

Proposed constitutional amendment otherwise retains present constitution.

Specifies submission of the amendment to the voters at the statewide election to be held on November 8, 2022.

(Amends Const. Art. I, Sec. 18)

SB 4 Reengrossed

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

- 1. Deletes constitutional provision that a person may be bailable after conviction and adds that a person may be bailable in accordance with any provision of law.
- 2. Changes proposed question to voters.

Senate Floor Amendments to engrossed bill

1. Deletes constitutional provision that a person charged with a crime of violence or production, manufacturing, distributing or possessing with intent to produce, manufacture, distribute or dispense, shall not be bailable, after a contradictory hearing, if the court determines by clear and convincing evidence that the person

poses a substantial risk of fleeing or an imminent danger to any other person or the community.

2. Change proposed question to voters.