

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
16TH JUDICIAL CIRCUIT, STATE OF MISSOURI**

In Re: Modification of Bonds

ADMINISTRATIVE ORDER 2021-058

WHEREAS, the Centers for Disease Control and Prevention have declared that the outbreak of COVID-19 is a worldwide pandemic; and

WHEREAS, the Missouri Supreme Court has entered multiple Orders and Operational Directives regarding on-going court operations; and

WHEREAS, the Missouri Supreme Court Orders and Operational Directives regarding court operations relate not only to considering strategies to prevent the spread of COVID-19, but also directives which provide for a phased approach toward easing restrictions related to court operations; and

WHEREAS, this Court continues to consider strategies to prevent the spread of respiratory germs into, within, and between facilities, including strategies specifically focused on and related to correctional and detention facilities; and

WHEREAS, defendants arrested on warrants and detained in the Jackson County Department of Corrections are entitled to a hearing on bond within seven days of detention, which hearings are routinely and timely held; and

WHEREAS, the judges of this court after conducting such hearings, weighing and considering all factors relevant to decisions regarding the amount and terms of bond, often enter orders modifying nominal bonds so as to release many defendants on their own recognizance; and

WHEREAS, the transportation of such defendants to the Jackson County Detention Center (JCDC) and the detention of such defendants pending release hearings, increases the risk of the transmission of the COVID-19 virus to defendants, law enforcement and corrections officers, and other defendants detained in the facility; and

WHEREAS, as a result of the unique circumstances existing at this time and considering that defendants who are arrested on warrants with nominal bond requirements will likely be released virtually immediately upon their entry to the JCDC, there exist continuing exigent public health considerations that mitigate in favor of not introducing said defendants into JCDC; and

WHEREAS, as a further result of changing conditions in the community, it is necessary to periodically examine and, if necessary, modify or rescind prior orders and procedures in order for them to properly reflect current circumstances and to encourage uniformity and clarity among judicial officers, the JCDC, and participating law enforcement agencies; and

WHEREAS, pursuant to Section 478.240.2 RSMo, and Article V, Section 15 of the Missouri Constitution, the Presiding Judge has general administrative authority over all judicial

personnel and court officials in the Circuit as well as administrative authority over dockets of the Court and the administrative and discretionary authority regarding the manner in which any hearings are conducted in the Court.

IT IS HEREBY ORDERED, that Administrative Order 2021-041 is RESCINDED in favor of the provisions of this Administrative Order 2021-058. Effective immediately and continuing through July 31, 2021:

1. Any defendant arrested on a warrant who is to be delivered to the JCDC with any of the following bonds/bond amounts:

- A. \$5,000.00/10% or any lesser amount;
- B. \$5,000.00/secured or any lesser amount;
- C. \$5,000.00/10%/secured or any lesser amount;
- D. Cash only bond of \$500.00 or any lesser amount;

shall be released on their own recognizance (ROR) with the monetary bond amount to be the same as set forth in the bond documents (*for example, \$5,000.00 ROR*).

2. Any additional conditions of release shall apply and be communicated to the defendant.

3. The defendant shall be given a next court date on the day and time indicated on the warrant, with said date to be determined by the judicial officer/division in which the defendant's case is pending and with said date to be communicated to said defendant prior to said defendant's release on his/her own recognizance. Any questions regarding the appropriate court date to provide the defendant for any particular division shall be directed to the Department of Criminal Records.

IT IS FURTHER ORDERED that any law enforcement agency arresting a defendant on such warrant is authorized to release any defendant on the terms set forth above without transporting said defendant to the JCDC.

THIS ORDER MAY BE AMENDED, RESCINDED, MODIFIED OR EXTENDED AS CIRCUMSTANCES REQUIRE.

IT IS SO ORDERED.

May 6, 2021
Date



J. Dale Youngs, Presiding Judge

Certificate of Service

This is to certify that a copy of the foregoing was emailed to the following on May 6, 2021.

16th Circuit Court Judiciary and Staff
Darryl Forte, Sheriff

Diana Turner, Director, Jackson County Detention Center
Mary A. Marquez, Court Administrator
Verna Proctor, Director, Criminal Records
Jean Peters Baker, Prosecutor
Ruth Petsch, District Defender