

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

In Re: Modification of Bonds

ORDER ADMINISTRATIVE ORDER 2020-071

WHEREAS, the Centers for Disease Control and Prevention have declared that the outbreak of COVID-19 is a worldwide pandemic and the Jackson County Executive has declared a state of emergency; and

WHEREAS, the Missouri Supreme Court has entered several Administrative Orders in March 2020 and April 2020 regarding on-going court operations and has instructed courts in this state to “prepare for potential infection in their community”; and

WHEREAS, the Missouri Supreme Court has directed its courts to “consider strategies to prevent the spread of respiratory germs into, within, and between facilities”; and

WHEREAS, the Missouri Supreme Court suspended all in-person proceedings with certain identified, limited exceptions and the Missouri Supreme Court authorized the Presiding Judge of each Circuit to determine the manner in which hearings are to be conducted, including the discretion to excuse individuals from appearing; and

WHEREAS, on March 23, 2020, the Centers for Disease Control and Prevention issued its Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities suggesting that correctional facilities, law enforcement, and courts coordinate to explore strategies to prevent over-crowding of correctional and detention facilities during a community outbreak; 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 incarceration; 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 exigent public health considerations that mitigate in favor of not introducing said defendants into JCDC.

IT IS HEREBY ORDERED, effective immediately and continuing until May 31, 2020, as follows:

1. Any defendant arrested on a warrant who is to be delivered to the JCDC with a bond designated at not more than \$5,000.00/10%, \$5,000.00 secured, or \$5,000.00/10%/secured, or a cash only bond of not more than \$500.00, shall be released on their own recognizance with the bond designated in the same monetary amount (e.g. \$5,000.00 ROR).

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

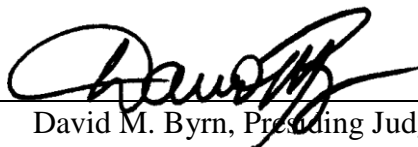
3. Notwithstanding any return date on the bond, the defendant shall be given a next court date approximately 90 days from the release, on the day and time indicated on the warrant, with said date to be determined by the judicial officer/division in which the defendant's case is pending and with said date to be communicated to said defendant prior to said defendant's release on his/her own recognizance.

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 AS CIRCUMSTANCES REQUIRE.

IT IS SO ORDERED.

April 16, 2020
Date



David M. Byrn, Presiding Judge

Certificate of Service

This is to certify that a copy of the foregoing was emailed to the following on April 16, 2020.

16th Circuit Court Judiciary and Staff
Frank White, County Executive
Troy Schulte, County Administrator
Darryl Forte, Sheriff
Theresa Galvin, Legislative Chair
Members of the Legislature
Mary A. Marquez, Court Administrator
Jean Peters-Baker, Prosecutor
Ruth Petsch, District Defender