

AMENDMENT TO BILL NO. 36-0005
Offered by Senator Angel L. Bolques, Jr.

Bill No. 36-0005 is amended in the following instances:

(1) In section 1, subsection (a), (1) (A) (1), (2) and (3) by striking “Not less than” and “fully secured and inserting the following sentence after “harm.”: “However, bail must be determined based on the defendant’s risk to the victim and the community and fully secured where there is clear and convincing evidence of a threat to the victim or likelihood of flight.”

(2) In subsection (b), by striking “If the defendant has any contact with the victim after release, and the people can prove the defendant contacted the victim by a preponderance of the evidence” and inserting “If the People can prove by clear and convincing evidence that the defendant contacted the victim in violation of a protective order, the defendant shall be remanded to custody and bail shall be reconsidered based on the severity of the violation. The court may consider alternative non-monetary conditions, such as electronic monitoring, house arrest, or mandatory check-ins where the defendant demonstrates financial hardship, provided these measures sufficiently protect the victim.

The court shall consider risk assessments, victim statements, and law enforcement recommendations when setting bail or release conditions to ensure protection of victims while upholding constitutional protections.”

(3) In subsection (c) the following language is inserted at the end:

“The court may require the defendant to complete a domestic violence intervention program from a court approved provider. The Legislature shall appropriate funding to the Judicial branch to ensure access to such programs for all defendants, regardless of financial status.”

Amendment No. 36-338/April 1, 2025/AA