

**SAFE-T Act Trailer – HB1095 SA#1**  
*Effective Immediately*

After months of in-depth conversations and negotiations with stakeholders in the criminal justice and public safety space, the House Public Safety Working Group recommends these clarifications to the SAFE-T Act to ensure successful implementation of the law on Jan. 1, 2022.

The Transition: To ensure no one knowingly misinterprets the intent of the law, this language clearly lays out what happens on Jan. 1, 2023.

- Anyone charged on or after Jan. 1 will be entered into the new system.
- Anyone charged before Jan. 1 stays in the current system, but the state or defendant have the option to move the case to the new system.
- The motion schedule will prioritize low level non-violent offenders.
- Those defendants who are charged with low level non-violent crimes must receive their offense hearings within 8 days.
- Those who are requesting to be entered into the new system but could be considered a flight risk will have an offense hearing with 60 days and those who are considered a threat to public safety will have a hearing within 90 days. A judge will have discretion on whether these individuals will be released pre-trial.

Public Defender Support: This language creates a grant program for increasing public defenders to handle the expected increase in caseloads.

- This grant program will be administered and overseen by the AOIC and subject to appropriations.

Detention Net: This language includes various offenses to ensure there is no ambiguity about detaining people pre-trial who may pose a threat to the community.

- Clarifies that non-probationable felonies, all forcible felonies, hate crimes, and other serious crimes such as felony animal torture and aggravated DUI causing great bodily harm are detainable by a judge.

Dangerousness Standard: This clarification makes all language consistent pertaining to what prosecutors must show to detain an individual.

- The standard is: the person poses a real a present threat to any person or the community, based on specific articulable facts of the case.

Willful Flight: This language clarifies what constitutes as willful flight.

- Some argued the previous language prohibited judges from considering past non-appearances.
- This new language defines “willful flight” as intentionally avoiding prosecution.
- A single non-appearance alone is not indicative of flight, but patterns of non-appearance or lack of affirmative steps to remedy non-appearances can be considered as factors in determining willful flight.

Prompt Remote Hearings: This refinement in the language requires a defendant to have the detention hearing within 48 hours and fixes confusing language regarding the use of remote hearings.

- Allows remote court hearings if the defendant waives the right to be in person, if the court determines remote is necessary to protect the health or safety of any person involved, or if the court determines remote is necessary due to logistical challenges.

Warrants: The new language clarifies language allowing the use of bench warrants.

- This proposal clarifies what happens if someone is arrested in one county and has an outstanding warrant in another.
- It also gives sheriffs 5 days to transport an individual and clarifies how out-of-state warrants are governed.

Trespass/Misdemeanor Citations: This language makes it clear how a police officer may respond in a trespassing situation.

- An officer is required to first issue a citation before arresting an individual *unless* the officer reasonably believes the person poses a threat or the person has an obvious mental or medical health issue and poses a danger to him or herself. If an officer issues a citation and the person continues their alleged criminal offense, then they could be arrested.
- The language removes the requirement that the summons be set exactly 21-days later.

Electronic Monitoring: This language clarifies court authority in setting conditions for electronic monitoring.

Escape: Removes language that would have made escape chargeable only after 48 hours and replaces it with languages that requires physical escape and intent.

Speedy Trial: This language allows any continuance granted by the court for good reasons, such as delay by a lab in processing DNA, to be excluded from the speedy trial clock.

Appeals: Allows for the state and defendant to appeal all court decisions related to pretrial release and clarified that the public defender handling the detention hearing also handles the appeal.