

A BILL FOR AN ACT

To amend Sections 6.4601 and 6.4604 of Title 6, Chapter 46 of the Kosrae State Code; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE:

1 Section 1. Purpose. To amend Sections 6.4601 and 6.4604 of Title 6,
2 Chapter 46 of the Kosrae State Code so as to clarify the circumstances under which a
3 person accused of an offense may be released by the Court on bail before conviction.

4 Section 2. Amendment. Section 6.4601 and Section 6.4604 are hereby
5 amended to read as follows:

6 ~~“Section 6.4601. Right. A person arrested for an offense has the right to release by~~
7 ~~the Court on bail before conviction, unless he is under the influence of~~
8 ~~intoxicating drink or drugs and the Court determines that he will be offensive to~~
9 ~~the general public.~~

10 Section 6.4601 Bail

11 Bail shall not be unreasonably refused.

12 1. A person arrested for a misdemeanor offense shall be granted bail
13 unless he is under the influence of intoxicating liquor or drugs and
14 there is a reasonable ground to believe he will be offensive to the
15 general public;

16 2. Bail may not be denied for a felony unless the Court finds that:
17 a. There is probable cause to find that the accused has committed
18 a felony offense; and
19 b. The Court determines that there is an unreasonable risk of
20 flight by the accused if he is released from custody; and

1 The Court determines that if the accused were released from custody he
2 would pose an unreasonable danger to another person or the community.

3 Section 6.4604. Amount. The Court ~~sets~~ may set bail in an amount which it finds
4 will insure the accused's presence in the future, taking into account the nature and
5 circumstances of the offense charged, the weight of the evidence against the
6 accused, the danger the accused poses to the community, and the accused's
7 financial ability and character.”

8 Section 3. Effective Date. This Act takes effect upon approval by the
9 Governor or upon its becoming law without such approval.

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15 Date: _____

Introduced by: _____
 Senator Lyndon H. Jackson