The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

DIGEST

SB 48 Original 2023 Regular Session Morris

Present constitution provides for mandatory granting of bail when the maximum sentence a defendant faces is less than five years but gives the judge discretion to grant bail when the maximum sentence which may be imposed is greater than five years.

Proposed constitutional amendment deletes the provision for granting of bail after a defendant has been convicted but has not yet been sentenced, and adds that the person may be bailable in accordance with any provision of law.

Proposed constitutional amendment deletes the provision for denying post-conviction bail for a person charged with a crime of violence or with production, manufacture, distribution, or dispensing or possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance, after a contradictory hearing, where the court determines by clear and convincing evidence that there is substantial risk that a person may flee or poses an imminent danger to any other person in the community, and adds that the person may be bailable in accordance with any provision of law.

Proposed constitutional amendment otherwise retains present constitution.

Specifies submission of the amendment to the voters at the statewide election to be held on October 14, 2023.

(Amends Const. Art. I, Sec. 18)