

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2022 REGULAR SESSION
Unofficial Document

Amend printed copy of **SB 31/SCS 1**

On page 3, by deleting lines 16-27 in their entirety, and inserting in place thereof:

"(b) If, prior to the hearing described in paragraph (a) of this subsection, the court has already held a hearing that comports with due process where the defendant has been represented by counsel and the court has found by clear and convincing evidence that the defendant poses a particularized risk of imminent serious physical harm to a person or persons other than himself or herself such that no nonfinancial conditions or combination of conditions of release will reasonably address that risk, the hearing described in paragraph (a) of this subsection shall be conducted only upon a motion by the defense stating a prima facie case that there has been a substantial and material change in the defendant's circumstances such that either the defendant no longer poses a particularized risk of imminent serious physical harm to a person or persons other than himself or herself or there exist nonfinancial conditions or a combination of conditions of release which will reasonably address that risk. The defendant shall have the burden of proof and shall be released only upon a showing by clear and convincing evidence that there has been a substantial and material change in the defendant's circumstances."; and

On page 4, line 2, after the word "section", by inserting ", and the right to be heard at the proceeding"; and

Amendment No. SFA 1

Rep. Sen. Brandon J. Storm

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

Not for Filing

On page 10, by deleting lines 2 to 13 in their entirety, and inserting in place thereof:

"(b) If, prior to the hearing described in paragraph (a) of this subsection, the court has already held a hearing that comports with due process where the defendant has been represented by counsel and the court has found by clear and convincing evidence that the defendant poses a particularized risk of imminent serious physical harm to a person or persons other than himself or herself such that no nonfinancial conditions or combination of conditions of release will reasonably address that risk, the hearing described in paragraph (a) of this subsection shall be conducted only upon a motion by the defense stating a prima facie case that there has been a substantial and material change in the defendant's circumstances such that either the defendant no longer poses a particularized risk of imminent serious physical harm to a person or persons other than himself or herself or there exist nonfinancial conditions or a combination of conditions of release which will reasonably address that risk. The defendant shall have the burden of proof and shall be released only upon a showing by clear and convincing evidence that there has been a substantial and material change in the defendant's circumstances."; and

On page 10, line 15, after the word "section", by inserting ", and the right to be heard at the proceeding".