



### **SB 188 Amendment #1 Explanation**

- The amendment *keeps* the following provisions:
  - **48 hours' notice to the prosecutor for bail hearings:**
    - Victims have a right to participate in bail hearings. However, that right is diminished if they don't receive meaningful notice of both the hearing and the proposal for release.
    - *This change will allow victims to have notice of a bail hearing so they can make arrangements to participate in these important hearings.*
      - There is a similar provision for detention hearings in juvenile delinquency proceedings.
  - **Change of name for persons involved in the criminal justice system:**
    - Requires persons who are involved in the criminal justice system to notify the following entities when they want to change their name:
      - the Department of Corrections (DOC) if they are under the jurisdiction of DOC;
      - the Department of Public Safety if they are required to register as a sex offender; or
      - the court of the existence of a criminal case if they are charged but not convicted.
    - The Department of Corrections will notify the victim.
    - The departments and victim will have the opportunity to comment on the change of name.
    - The standard by which the court evaluate the change of name request under these circumstances is changed to ensure that the person is not changing their name for a fraudulent purpose or to evade law enforcement.
    - *This change will allow the departments to be better able to monitor persons who are under their jurisdiction and will ensure that the victim gets specific notice of the person's intent to change their name.*

- The amendment *eliminates* the following provisions:
  - Written findings for bail: requires the judge to issue written findings explaining how the bail and conditions of release will ensure the appearance of the defendant and protection of the victim and community.
  - Rebuttable Presumption: creates a rebuttable presumption that a person who has previously violated their conditions of release will not appear and will pose a danger to the victim and community.
  - Consecutive Sentencing: requires some additional jail time be imposed for each conviction for the crime of violation of conditions of release.
  - Hearsay at grand jury: allows key witnesses, typically the officer in the case, to summarize the testimony of other witnesses.
  - Plain Error: returns the Plain Error Rule (Criminal Rule 47) to what it had been from statehood until 2011.