

TO:

Rule 28 Distribution

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ATTACHMENT¹

RULES OF CRIMINAL PROCEDURE

Rule 6.1. Right to Counsel; Right to Appointment of an Attorney; Waiver of the Right to Counsel; Authority of a Legal Paraprofessional

(a) [No change]

(b) Right to Appointment of an Attorney.

(1) *As of Right.* An indigent defendant is entitled to a court-appointed attorney:

(A) in any criminal proceeding that may result in punishment involving a loss of liberty; ~~or~~

(B) for the limited purpose of determining release conditions at or following the initial appearance, if the defendant is detained after a misdemeanor charge is filed; or

(C) if the defendant is held on bond at the initial appearance.

(2) [No change]

(c)–(g) [No change]

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Rule 7.3. Conditions of Release

(a)–(b) [No change]

(c) Additional Conditions. The court must order the defendant not to contact a victim if such an order is ~~reasonable and~~ reasonably necessary to protect a victim from physical harm, harassment, intimidation, or abuse. The court also may impose as a condition of release one or more of the following conditions, if the court finds the condition is ~~reasonable and~~ reasonably necessary to secure the defendant's appearance or to protect another person or the community from risk of harm by the defendant. In making determinations under this rule, the court must consider, if provided, the results of a risk assessment approved by the Supreme Court and a law enforcement agency's lethality assessment.

(1)–(2) [No change]

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¹ Additions to the text of the rule are shown by underscoring and deletions of text are shown by ~~strike-through~~.

Rule 7.4. Procedure

(a)–(b) [No change]

(c) Later Review of Conditions.

(1) *Generally.* On motion or on its own, a court may reexamine bail eligibility or the conditions of release if the case is transferred to a different court, if a motion alleges the existence of material facts not previously presented to the court or, ~~if not previously raised under this provision,~~ the defendant is unable to post bond due to the defendant's financial condition. The court may hold oral argument or an evidentiary hearing.

(2)–(3) [No change]

(d)–(f) [No change]

(f) Review of Conditions of Release for Misdemeanors. No later than 10- days after ~~arraignment~~ the initial appearance, the court must determine whether to amend the conditions of release for any defendant held in custody on bond for a misdemeanor. The court may hold oral argument or an evidentiary hearing.

(g) [No change]