

Local Rules of the United States District Court for the Western District of Missouri

**99.1 BAIL AND SURETIES**

- (a) **Bail.** If a person is arrested in the District for committing a criminal offense, the Court may admit that person to bail in accordance with Fed. R. Crim. P. 46 and 18 U.S.C. §§ 3141, 3146, 3148, and 3149.
- (b) **Approval of Sureties.** Unless a district judge orders otherwise, any entity offered as a surety must appear before a magistrate judge to demonstrate that its assets are adequate under Fed. R. Crim. P. 46(e) and that, if applicable, it satisfies Rule 99.1(c). If a magistrate judge is not readily available, the Clerk may take such demonstration and admit a defendant to bail.
- (c) **Qualifications for Individual Sureties.** An individual may be accepted as a surety on bond or undertaking in any action or proceeding only if he or she:
1. Is a reputable person, at least 21 years of age, and a bona fide resident of the State of Missouri;
  2. Has not been convicted of any felony under the law of the United States or of any state;
  3. Is not an attorney, a peace officer, marshal or deputy marshal, a constable or deputy constable, sheriff, or deputy sheriff;
  4. Is not the Clerk, a deputy clerk, or other officer or employee of the District;
  5. Is not an elected or appointed official or employee of the United States, or any state or any political subdivision thereof;
  6. Owns real or personal property having a reasonable market value, in excess of all encumbrances thereon, exemptions, and all other liabilities, at least equal to the amount specified in the bond which the individual proposes to execute. To qualify upon the basis of real estate owned, an individual must be the sole, legal, and equitable owner thereof in fee simple and at record, and must file in connection with the surety's Fed. R. Crim. P. 46(e) demonstration a certificate of a title company authorized to do business in the State of Missouri as to ownership and encumbrances and an appraisal made by a real estate appraiser who is a member of the Society of Real Estate Appraisers or the American Institute of Real Estate Appraisers in respect to the real estate proffered as security.

If there are several sureties, the aggregate market value of real estate or personal property owned by them, in excess of encumbrances, exceptions, and all other liabilities, must be at least equal to the amount specified in the bond.

(d) **Disqualification of Sureties.**

1. **Conditions.** Any judge may enter an order disqualifying a surety from proffering bail, surety, or other bonds if:
  - A. The surety—or its agent, representative, servant, or employee—conducts himself or herself in the surety’s business in a manner that forfeits the confidence of the judge; or
  - B. Causes the judge to lose confidence in the business integrity or moral manner by which the surety carries out the surety’s business or undertakings. The judge measures “moral manner” by whether, in the judge’s opinion, the method of the conduct of the business of the surety will subject the judge or District to calumny in any manner.
2. **Procedure for Magistrate Judges.** If the disqualifying judge is a magistrate judge, he or she must set forth findings of fact and conclusions of law in the order. The magistrate judge must file the order and mail a copy to the surety. Within 14 days after being served with a copy of the order, the surety may file a written specific objection to the order. If timely filed, the Court en banc—or a district judge, if so designated by the Court en banc—must make a de novo determination of the magistrate judge’s order. The Court en banc—or the district judge designated to make a de novo determination—may accept, reject, or modify, in whole or in part, the order issued by the magistrate judge, or recommit the matter to the magistrate judge with instructions.