



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice

In Support of:

H.B. No. 5835 (RAISED) – An Act Concerning the Regulation of Bail Bondsmen

Joint Committee on Judiciary – March 10, 2008

The Division of Criminal Justice respectfully recommends the Committee's Joint Favorable Report for H.B. No. 5835, **An Act Concerning the Regulation of Bail Bondsmen**. For several years now the Division has sought to work closely with the General Assembly, the Judicial Branch and the affected agencies in the executive branch to bring about badly needed reform of the bail bond industry. H.B. No. 5835 represents a comprehensive approach to attack the longstanding problems with the industry and to correct a variety of other problems that now exist.

H.B. No. 5835 builds upon the tremendous amount of work that has been done in past legislative sessions with the strong support of the Division of Criminal Justice. These past endeavors include the comprehensive study undertaken by the Legislative Program Review and Investigations Committee, which issued a lengthy report with many recommendations in December of 2003. Additionally, the Division provided testimony in May of 2007 at a joint forum conducted by the Judiciary, Public Safety and Insurance and Real Estate committees on bail bond reform.

Enough study has been done; now it is time to take action, and H.B. No. 5835 takes the actions necessary to bring about long overdue reform of the bail bond industry and the regulation of that industry. Among the important issues that have been clearly identified are longstanding concerns with the systems now in place for the licensing of bail bondsmen, the regulation of the industry and its business practices and the process utilized for the collection of forfeited bonds. The Division of Criminal Justice is intricately involved in these matters on two fronts: (1) the role that prosecutors have in the courtroom of interacting with the court, the bail commissioner and the defense counsel in the setting of bonds in

criminal cases; and (2) the responsibility assigned to the Division pursuant to Section 51-279b of the General Statutes to collect forfeited bail bonds.

The Division of Criminal Justice strongly supports sections 27 and 28 of H.B. No. 5835, which would transfer the responsibility for the collection of forfeited bail bonds from the Office of the Chief State's Attorney in the Division of Criminal Justice to the Office of the Attorney General. The Office of the Attorney General is a more appropriate agency for the collection of forfeited bonds. Article XXIII of the Connecticut Constitution establishes that the mission of the Division of Criminal Justice is to lead in the investigation and prosecution of all criminal matters in this state. The collection of forfeited bonds is entirely civil in nature, and thus would more appropriately be placed under the jurisdiction of the Attorney General, who has jurisdiction over civil matters.

The Division also would point out some of the other more significant reforms proposed in H.B. No. 5835, which we also support:

- The transfer of all licensing and regulatory authority for all bondsmen to the Department of Public Safety and the eventual transformation to one classification of bail bondsmen instead of the current system where there are two types of bondsmen (professional and surety) and two agencies (Department of Public Safety, Department of Insurance) responsible for their regulation;
- A specific provision requiring the suspension of the authority of an insurer to write bail bonds when it is found that the insurer failed to pay a forfeited bond;
- Mandatory and immediate license suspension for any professional bondsman who fails to pay forfeited bonds in a timely manner; and
- The establishment of specific standards and qualifications for all new bondsmen licensed under the new system and a specific system for license suspension and/or revocation for misconduct;
- A requirement for biennial training of all professional bondsmen and surety bail bondsmen in areas related to their profession;
- A requirement that all bondsmen remit the full amount they collect to the insurance company with commissions then paid back to them by the insurer. The current system where bondsmen can take their commissions "up front," has resulted in discounting where bonds are issued at lower rates than allowed by statute. This seriously undermines the underlying intent of the system, which is to assure the appearance of a defendant in a criminal case in court;
- The allocation of a specific percentage of the proceeds from the collection of forfeited bonds to the agencies responsible for the regulation of the bail bond industry and the collection of forfeited

bonds. The Division of Criminal Justice would note that when the responsibility for the collection of forfeited bonds was transferred to this agency in the 1990s, the Division received one-third of the revenue generated for the administration of the collection system. Today the Division receives none of this revenue, which has severely affected our ability to effectively administer this process and maximize revenue to the state. H.B. No. 5835 addresses this problem by allocating specific percentages from this revenue source to those agencies responsible for making the new regulatory and collection processes work effectively.

In conclusion, the Division of Criminal Justice would respectfully recommend the Committee's Joint Favorable Report for H.B. No. 5835, An Act Concerning the Regulation of Bail Bondsmen. The Division would like to thank the Committee for this opportunity to present our input and recommendations and we would be happy to provide any additional information or answer any questions the Committee might have.

