



**State of Connecticut**  
**DIVISION OF CRIMINAL JUSTICE**

**Testimony of the Division of Criminal Justice**  
**Joint Committee on Judiciary – March 16, 2009**

**In support of:**

- **H.B. No. 6646 – An Act Concerning the Regulation of Bail Bondsmen**

**In opposition to:**

- **H.B. No. 723 – An Act Concerning The Posting Of Ten Per Cent Cash Bail**

The Division of Criminal Justice respectfully recommends the Committee's Joint Favorable Report for H.B. No. 6646, An Act Concerning the Regulation of Bail Bondsmen. The Division expresses serious concerns with respect to Committee Bill No. 723.

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. 6646 contains much of what we have been seeking for a number of years and represents a comprehensive approach to reforming this industry. We note, however, that we do expect a fiscal impact on one or more agencies to be attributed to the implementation of this bill. We would bring the committee's attention to H.B. No. 6354, An Act Regulating Surety Bail Bond Agents, a proposal supported by the Insurance Department. The Division of Criminal Justice provided testimony in support of H.B. No. 6354 and it was favorably reported, with some changes in language which continue to have the support of the Insurance Commissioner, by the Joint Committee on Insurance and Real Estate. While not as comprehensive as the bill presently under consideration, H.B. No. 6354 does contain language which would accomplish some of the goals of H.B. No. 6646 without the fiscal impact of H.B. No. 6646. They include:

- The addition of a specific provision prohibiting the execution of a bail bond without charging the approved premium, and requiring biennial audits by the insurer of each licensee's books for compliance with this requirement. The insurer would be required to report any failure to charge the filed rate.
- The addition of monthly certification to the Insurance Commissioner of compliance with the approved premium rate for each bond written and authority for the commissioner to take action against the licensee for false certification;
- The addition of a requirement that licensees who sell a bond on an installment plan have the defendant execute a promissory note and undertake efforts to collect on it if the payments are not made.
- The addition of record keeping requirements and records retention schedules which will facilitate oversight of bail bond agents;

Reform in this industry is long overdue. 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 the reforms included in H.B. No 6646, including the transfer of many of the licensing and regulatory functions to the Department of Public Safety and the transfer of 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.

With respect to H.B. 623 we have strong reservations and, therefore, oppose the bill. This legislation would remove the requirement of court approval prior to a ten percent bail being permitted and would make it available in all cases. This could have unforeseen consequences in terms of the effectiveness of bail in guaranteeing the appearance of a defendant and in the setting of bond amounts when courts cannot control which defendants are candidates for a 10% bond and which may need the backup of an established bail bond company with its financial incentives to track down and retrieve non appearing defendants.

Other concerns with respect to this bill are:

1. The difficulty of collecting the 90% of any bail which will be unsecured
2. The bill may discourage family members and third parties from posting 10% bonds. Under present practice they can post the bond (if 10% is approved by the court) and be assured that, as long as the defendant shows up, they will get every penny back. Under this bill they can never get more than 75% back and will be forced, in many cases, to risk having the defendant's legal fees paid out of their bond money. This may have the unintended consequence of having fewer people post bond.

In conclusion, the Division of Criminal Justice would respectfully recommend the Committee's Joint Favorable Substitute for H.B. No. 6646, An Act Concerning the Regulation of Bail Bondsmen. We express serious concerns with respect to H.B. No. 623 and oppose it. 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.