

Testimony for Mary Anne Casey

Sen. Bill No. 28

An Act Concerning Bail Bond Agents and Professional Bondsman

February 8, 2011

Senator Crisco, Representative Megna and members of the Insurance Committee.

My name is Mary Anne Casey and I am President of the CT State Surety Association and Vice President of the Professional Bail Agents of the United States. I have been a licensed bail agent for 30 years and I carry both a surety bail license and a professional license issued by the Dept. of Public Safety. Before I begin I would like to thank Senator Crisco for introducing Committee Bill No 28, An Act Concerning Bail Bond Agents and Professional Bondsman and also the Connecticut Insurance Department in the strides they have made in the past few years in trying to regulate an industry that has run rampant for far too long. I recognize that without proper legislation their hands are tied but they have been diligent in their efforts.

As some of you may be aware, members of our Association for years have been testifying and asking for bail reform. We were interviewed extensively by the investigator representing the legislative program review and investigations committee back in 2003 and were optimistic after that report was made public, bail reform would occur. To date, nothing has been passed. Many negative occurrences predicted in the Program Review report have come to fruition; the most appalling is the fatalities that have occurred while defendants have been released on discounted bail premiums. We have heard many testify on the tragedy that occurred in West Haven last year but the incident that will forever stay with me as proof that discounted bail premiums directly effect the public safety of the citizens of our State is the execution style murder in Bridgeport of 8 year old Leroy Brown and his mother. The defendant, Russell Peeler, was released on several bonds totally \$965,000. The discounted premium paid was less than 50% of the filed rate. Once released, Mr. Peeler orchestrated the execution of the victims prior to their eye witness testimony ever being heard in Mr. Peeler's narcotics case.

Unfortunately, this bill, as authored will do little in the way of true bail reform. I have three points of concern:

First and I am assuming this is just an oversight; there are no penalties for surety bail agent offenders. I did see penalties for professional bondsman but not surety agents. The lack of any criminal penalties for violators makes absolutely no sense and serves no purpose but to allow rogue agents to continue operating the way they have for the past 15 years. Furthermore, without criminal state statute in place, it makes regulating near impossible. Allow those with the experience, i.e. State Police, municipal police departments, etc. to do what they do best, investigate. With all due respect, the Insurance Department does not have the expertise or the resources to adequately investigate the numerous complaints they receive about bail agents. This is a very small part of what they do but I venture to say that they receive

more complaints about bail agents than any other aspect of insurance. Criminal penalties are imperative.

Second: To allow for only 35% of the filed premium rate to be given as a "down payment" for a surety bond with the balance due in 15 months only serves to legitimize the practice of rebating not to mention the risk that would continue for victims of domestic violence. Furthermore, to allow for up to 15 months to pay the balance when the average case is disposed of in about 6 months will prove to be meaningless. Is one supposed to track each defendant that is released on 35% for 15 months to assure that rebating has not taken place? Does anyone feel that balances due are going to occur once a case is disposed of. I think not. I recognize that the Bill calls for audits but I do not think that is the solution. The filed rates were originated many years ago for indemnification purposes. Allowing 35% to be paid up front does not accomplish that. I would ask for a minimum of 75% with only 6 months to pay. I still feel strongly that it will be very hard to prove non compliance but it would at least be a start.

Third: Regarding the practice of solicitation I believe that an addition to Sec. 11 (2) is needed: To include the words "not less than 1000 feet from any court house, police department and correctional facility unless it is a solid structure, i.e. office building." In adding this one line you will eliminate the practice of detailed vans, bill boards, etc. from being used as a way to skirt the issue.

There are many positive aspects of committee bill 28 but I think for true bail reform to take place, the issues I have raised need to be addressed and included.

In closing I would like to thank this committee for their time and attention to this very important matter.