

TESTIMONY OF MARC FORSCHINO CAPITOL BAIL BONDS, LLC

TESTIMONY IN FAVOR OF HB 6689 AN ACT CONCERNING BAIL BONDS

Judiciary Committee Public Hearing
April 1, 2013

Good afternoon Chairman Fox, Chairman Coleman, and distinguished members of the Judiciary Committee. My name is Marc Forschino, and I am the co-owner of Capitol Bail Bonds, LLC located in Hartford, CT. I'm here to **voice my support for H.B. 6689, An Act Concerning Bail Bonds**. In recent years, legislation has been passed that has had unintended consequences on the bail bonds industry and hampered our ability to do business in the State of Connecticut. As bail bondsmen, we serve a crucial role in the criminal justice system. Our work is dedicated to helping assure that people accused of crimes appear in Court. We work with law enforcement to help capture and detain those parties who fail to show up to their Court dates. H.B. 6689 would serve to lessen some of the stringent requirements that currently face our industry, while at the same time ensure that we continue to provide a quality service to the residents of this state.

I would like to comment on particular parts of this bill and then I would be happy to answer any questions that you may have regarding the bill in its entirety.

Section 2

- In writing bonds, it is our job to ensure that our clients appear in Court and it is our job to financially indemnify the state if the party absconds. In order to protect ourselves against the financial liability associated with a client absconding, we perform in depth background checks and perform a risk assessment on our clients to determine whether we are willing to write a specific bond. Sometimes, despite our thorough background checks, there is certain information that is available to the state or other law enforcement officials to which we do not have access, that if we knew about, we would not have written the bond. Although the state or other law enforcement officials might not be able to share this information with us, it seems unjust for us to be required to pay the state on a forfeited bond when, at the time the bond was signed, the State had information that we did not have access to that would demonstrate that a client was a high risk to abscond. Examples of such information are (1) if the arrestee has multiple aliases; (2) if the arrestee has multiple dates of birth; (3) if the arrestee has multiple passports or (4) is on the Terrorist watch list. Therefore, in these types of circumstances if it comes to light that the state had this type of information, it would seem only fair that we be let off the bond.

Section 3

- Section 3 of the bill would give judges the explicit right to extend stay of bond forfeiture beyond the current 6 month period. Extensions beyond the 6 month period are not barred by the statute and the majority of judges already allow for these extensions. However, there are a minority of judges who are unwilling to grant these extensions because the statute doesn't explicitly provide for it. Giving judges the discretion to extend the stay of bond forfeiture beyond the 6 month period for good cause would be beneficial to all parties including the state and the public at large. Many times as the 6 months near we will know where a fugitive is, or have a lead on his whereabouts that we want to go pick him up. By granting us time beyond the 6 month period, this give us the additional time we need to find the fugitive, get him or her off the streets and bring them into custody. In addition, sometimes there are situations where we know where a fugitive is, and the 6 months is nearing, however the police want us to refrain from picking the person up because they're in the midst of investigating the person for another more serious crime. This Section would also allow us to get extensions when these types of situations arise.
- Another part of Section 3 relieves us from our obligation on the bond when a party comes back to Court more than 5 days after a bond is vacated. As currently written the law says that if a party returns to Court within 5 days after a failure to appear, the Court, at its discretion, can vacate the rearrest order and reinstate the bond. The law also says that when a person fails to appear and the bond is forfeited, a rearrest is ordered and the 6 month stay is put in place, bail bondsmen are released from their obligation if the absconding party is returned to custody within that 6 month period. However, in practice some Courts will vacate the rearrest and reinstate the bond when a party returns to Court more than 5 days after the failure to appear and the rearrest is ordered. The proposed bill eliminated a judge's ability to do this and would require them to relieve the bondsmen of their obligation under the original bond and impose new conditions of release. This provision would demonstrate to those parties who failed to appear the importance of showing up for their Court dates and also, if they fail to do so, would highlight the importance of turning themselves in and reappearing in Court in a timely manner.

Thank you very much for the opportunity to testify in support of HB 6689. I am happy to answer any questions that you might have.

**Marc Forschino
860-214-1082 (cell)**