



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN OPPOSITION TO:

H.B. NO. 6689: AN ACT CONCERNING BAIL BONDS

JOINT COMMITTEE ON JUDICIARY
April 1, 2013

The Division of Criminal Justice respectfully recommends the Committee take **NO ACTION** on **H.B. No. 6689, An Act Concerning Bail Bonds**. This legislation would seriously undermine the integrity and purpose of the bail bond system, which is to assure the appearance in court of those facing criminal charges. The bill essentially would allow the professional bondsman or surety bail bond agent and insurer to reap the profits from writing bail bonds with effectively no requirement to produce a defendant who absconds and does not appear in court.

Our specific concerns and objections include:

- The bill provides for the automatic vacating of Failure to Appear warrants, interfering with the right and responsibility of the State's Attorney to request an FTA when appropriate.
- The bill releases bail bonds at the time of sentencing without regard to the issuance of a stay of execution. The practical effect of this would be to eliminate stays of execution.
- The new subsection being added to Section 54-65e would serve to release the bond for various reasons all of which can be construed too broadly. The Division also would question whether this provision is legal to the extent that it seems to require law enforcement to share National Crime Information Center (NCIC) information in our possession with individuals potentially bonding defendants out or risk releasing the bond. In other words, we either illegally provide the surety with NCIC information or the surety won't be bound by his bond.
- The bill allows courts to issue indefinite stays, in addition to the current six month stay. This would leave the state unable to ever actually collect on forfeited bonds and, more importantly, frustrates the intent of the six-month provision, which is to give the bondsman or surety agent incentive to quickly apprehend and return the fugitive.
- The bill allows the bondsman to be relieved of the obligation if the prosecutor has information suggesting the defendant uses an alias. Since most defendants use some type of alias or "street name," the bondman would get an automatic free pass when those defendants abscond. Sec. 54-65(b)(1). The bondsman also would get a free pass, according to Sec. 54-65(b)(2) if the NCIC check shows any information demonstrating an increased risk of flight. Presumably then, any

time a defendant who is released on bond has a prior FTA, the bondsman will be relieved on the bond even if everyone (including the bondsman) knew of the FTA.

In conclusion, the Division of Criminal Justice strongly opposes H.B. No. 6689 and would respectfully recommend NO ACTION. The Division appreciates this opportunity to provide input on this issue and would be happy to provide any additional information or to answer any questions the Committee might have. Thank you.