TESTIMONY OF MARK MOTUZICK CAPITOL BAIL BONDS, LLC

IN SUPPORT OF HB 5588 AAC BAIL BONDS

JOINT COMMITTEE ON JUDICIARY

MARCH 24, 2014

Good Morning Senators and Representatives. My name is Mark Motuzick. I work at Capitol Bail Bonds, LLC located in Hartford, CT. I'm here to **voice my support** for H.B. No. 5588, An Act Concerning Bail Bonds. This bill is essentially the same bill that passed unanimously through the House and Senate last year. The only changes are (1) some technical language changes made by LCO; and (2) Section seeks to extend the time from 15 to 24 months for collecting on a promissory note. This language is similar to that of last year's bill (HB 6689 and P.A. 13-158), which passed the Judiciary Committee 44-0.

As bail bondsmen we serve a crucial role in the criminal justice system, working to help not only assure that people accused of crimes appear in Court, but also lessening the burden on our overcrowded jails and working with law enforcement to help capture and detain those parties who fail to show up to their Court dates. Raised House Bill No. 5588 would serve to lessen some of the stringent requirements that currently face our industry, while at the same time ensuring that we continue to provide a quality service to the residents of this state.

This bill will do the following great things:

Section 2

- Section 2 of the bill would relieve us from our obligation on a bond when a person fails to appear, they abscond and the bond is forfeited, however at the time the bond was written the state had information such as other known aliases or an report that if we had access to, we never would have written the bond in the first place. 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, that we do not have access to, that if we we would not write the bond. Although the state 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 the whole time they had information that would demonstrate a client was a high risk to abscond, that we do not have access to, however would have deterred us from writing the bond. Therefore, in these types of circumstances if it comes to light that the state had this type of information, **it seems only fair that we be let off the bond if we show good cause. The Division of Criminal Justice provided this language to us and we agreed to it last year.**

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 overtly provide for it. Giving Judge's 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 after 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 requires Courts 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.

Section 6

- Section 6 terminates a bond when a Court sentences a party but then allows them time to clean up their affairs. Sometimes Courts will impose a sentence and then give the Defendant a certain amount of time to handle personal affairs before the imposition of the sentence. If the Court is willing to engage in this risky behavior, it is our belief that the bond should be terminated because the Court has unilaterally created a situation where the Defendant is a high risk to abscond.

Section 7

- **The Task Force in this section was part of last years Public Act 13-158. We look forward to working with the Division of Criminal Justice and all other affected interests to examine the issues of reducing the costs to the state associated with extradition.**

Thank you for your time. I am happy to answer any questions that you might have.