



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN OPPOSITION TO:

S.B. NO. 1031 (RAISED) AN ACT CONCERNING BAIL AMOUNTS SET BY JUDGES

JOINT COMMITTEE ON JUDICIARY

March 13, 2015

The Division of Criminal Justice opposes S.B. No. 1031, An Act Concerning Bail Amounts Set by Judges, and would respectfully recommend that the Committee take NO ACTION on this bill.

While the statement of purpose of this bill states that the intent is “to ensure that bail is not abused” the bill would, in fact, produce the opposite effect. This bill represents an unjustified and unwise intrusion into the well-established procedures employed for determining conditions of release in a criminal case, including the setting of bail. It is also an affront to the Judicial Branch and the judges who give much thought and consideration in the setting of bail and certainly do not take those matters lightly.

This attempt to prohibit bail exceeding five-thousand dollars for a misdemeanor offense ignores the fact that many misdemeanor crimes are, in fact, serious offenses. Some examples include Criminally Negligent Homicide, Assault in the Third Degree, Assault of an Elderly, Blind, Disabled or Pregnant Person or a Person with an Intellectual Disability in the Third Degree, Threatening in the Second Degree, Reckless Endangerment in the First Degree, Strangulation in the Third Degree and certain instances of Sexual Assault in the Fourth Degree, to name just some.

A primary purpose of setting bail is to assure the defendant’s appearance in court. Yet, Failure to Appear in the Second Degree is a class A misdemeanor and as such bail of more than five-thousand dollars on that charge, or even multiple counts of it, conceivably could be prohibited by this bill. So conceivably would be a bail of more than five-thousand dollars for someone charged with other multiple misdemeanor offenses.

Judges are required by the Constitution, statutes and Practice Book to take a variety of factors into account in setting bail. Those provisions have evolved over a very long period of time and should not be simply cast aside. S.B. No. 1031 is an attempt to inject an artificial and unjustified limitation into a system that has survived the test of time. The bill should be rejected.

In conclusion, the Division recommends the committee take **NO ACTION** on S.B. No. 1031. We thank the Committee for affording this opportunity to provide input on this matter and would be happy to provide any additional information the Committee might require or to answer any questions that you might have.

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