



**State of Connecticut**  
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**Testimony of Werner Oyanadel, LPRAC Executive Director in Support of the Governor's Bill No. 18 "An Act Concerning a Second Chance Society."**

**Wednesday, March 23, 2016 ~ 10:30 AM in Room 2C of the LOB**

Good morning Co-Chairs Sen. Coleman & Rep. Tong; and honorable members of the Judiciary Committee of the Connecticut General Assembly. I am here today to speak in support of the Governor's Bill No. 18 "An Act Concerning a Second Chance Society,"

LPRAC specifically supports the bail bond reforms included on the Governor's Bill No. 18, which under this proposal would prohibit a judge from setting money bail for anyone charged only with a misdemeanor, except where the judge determines that the accused poses an immediate threat to the health or wellbeing of another person, or the accused is charged with failure to appear. This aims to ensure that the state is not housing low-risk offenders after arrest simply because they cannot find the money for bail. It also helps ensure that Connecticut does not needlessly lock up alleged offenders to the point at which the system is feeding a cycle and encouraging re-arrest and recidivism.

The current "for profit" criminal bail bond system has been found to discriminate against defendants who are low-income and cannot afford bail to be released – The network of bail bondsmen profit off the current system by collecting a 7% charge of total bail without returning funds to the accused. For low-income families, many of whom are of Latino descent, having a family member in jail while awaiting trial can result in harmful socioeconomic consequences – further exacerbating a cycle of crime and poverty.

Governor Malloy's proposal also: (1) Provides every defendant the opportunity to make a cash deposit of 10% of the bail set by a judge in order to be released while awaiting trial. This option currently exists in the rules of court, but isn't in statute and isn't often used; (2) ensures that if a bond with surety is set as a condition for release by the court, the accused would have the option of either making a 10% cash deposit to be held by the court OR of accessing the services of a bail bondsman; (3) ensures a judge would have the opportunity to deny the accused the option of a 10% cash deposit should they feel the defendant poses a significant threat to another individual or to public safety; (4) allows the accused's 10% cash deposit to be deposited into an interest bearing account. Upon disposition of his or her case and successful appearance at each court date, the accused would have the deposit returned, and any interest that accrued on that deposit would be deposited into the Interest on Lawyer's Trust Account (IOLTA) to assist in the delivery of legal services to the poor; (5) mandates that should the defendant fail to appear for any court date, his or her cash deposit would be forfeited, and the total amount of that deposit, in addition to any interest accrued, would be transferred to IOLTA.

LPRAC is a nonpartisan policy agency within the legislative branch of government created in 1994 by an act of the Connecticut Legislature (i.e., P.A. 94-152, amended by P.A. 03-229 and amended by P.A. 09-07). Under Public Act 09-07, LPRAC consists of 21 appointed community leaders mandated to advise the Connecticut General Assembly and the Governor on policies that foster progress in the Latino communities residing in Connecticut.