

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: HB-5824

Title: AN ACT REFORMING THE BAIL SYSTEM.

Vote Date: 3/27/2023

Vote Action: Joint Favorable Substitute

PH Date: 3/22/2023

File No.:

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

The intent of the bill is to reform the professional bail bond and surety bond system by requiring bondmen and agents establish and maintain trustee accounts and penalize failure to do so and require the licensure authorities to audit such accounts at least annually. The bill will also prohibit pretrial release based on a promise to appear in the case of a defendant charged with certain crimes.

SUBSTITUTE LANGUAGE:

The substitute language removes section nine and makes conforming changes.

RESPONSE FROM ADMINISTRATION/AGENCY:

Jim Carson, Legislative Program Manager, Connecticut Insurance Department: The testifier opposes the requirement for the Insurance Department to audit all bail bond agent account at least once a year, under the assertion this would be a waste of resources. The Department requests to be given discretion to audit when the commissioner sees fit. The testifier also opposes the \$3,500 limit on the fine the department can issue for violations as CGS Title 38a guides them as to what amount is suitable for the fine.

Deborah Sullivan, Legal Counsel, Office of Chief Public Defender: The Office of Chief Public Defender opposes section 9 on the grounds that it would eliminate the discretion of the courts to release a suspect on a promise to appear, which specifically hurts the poor who are unable to afford the now required bond. They request that the Committee wait until the Sentencing Commission completes their study looking into bail.

NATURE AND SOURCES OF SUPPORT:

Andrew Bloom, Co-Owner, 3-D Bail Bonds Inc.: The testifier supports the bill's efforts to increase accountability in the bail bond industry. The testifier opposes the annual audits, suggesting instead a random audit system through the Connecticut Insurance Department be introduced instead. The testifier also suggests that there should be language concerning agents who work for a managing company, and therefore do not maintain premiums or collateral. Finally, the testifier notes concerns caused by changes to public defender qualifications, with penalties for individuals who have family and members from the community help to raise their bond, potentially depriving them of council.

Representative Vincent Candelora, Connecticut General Assembly: The testifier notes the consistency to bond licensing brought about by the bill as well as the record keeping requirements which are purposed to increase the reliability of bondsmen. The testifier also supports section 9 of the bill, which prevents judges from releasing individuals charged in five areas on only a promise to appear, requiring bond be posted to secure release.

Linda Dalessio: The testifier supports the bill.

Christopher Dukes, Justice4Dukes Coalition: The testifier supports the bill.

Representative Kathy Kennedy, Connecticut General Assembly: The testifier supports the bill.

NATURE AND SOURCES OF OPPOSITION:

Jess Zaccagnino, Policy Counsel, ACLU: The testifier opposes the practice of mass incarceration, fueled in part by the inability for poor people of color to afford bonds which are set at a higher rate than for white people who commit the same crime.

Reported by: James McNealey

Date: March 29, 2023