

# LAW, JUSTICE, AND ETHICS

Resolution LJE-20-20

## A RESOLUTION CALLING FOR EQUITABLE BAIL AND AN END TO UNNECESSARY DETENTION

WHEREAS, an unfair bail system, causes citizens to be unduly held in jail away from their families and work, and cost the government unnecessary spending on housing and caring for these people when they can be safely released;

WHEREAS, every year over 10 million Americans are arrested and taken to jail, while many are released, jails house some 700,000 people every day, a majority of which cannot afford bail;

WHEREAS, Africans American and Latinos are disproportionately impacted by having to post bail;

WHEREAS, 50 Percent of pre-trial detainees are African American or Latino in the United States, with an annual income of less than \$20,000 prior to incarceration;

WHEREAS, all people who have not been convicted of a crime, should still be afforded a presumption of innocence, however some are still jailed because they cannot afford bail;

WHEREAS, in Texas twenty years ago 1 out 3 people were in jail awaiting trial, by 2017 3 out 4 are in jail awaiting trial, most of which cannot afford bail;

WHEREAS, there is over \$14 billion in bonds issued each year, of which \$2 billion is profit;

WHEREAS, the presumption of guilt and dangerousness assigned to African Americans has made minority communities particularly vulnerable to the unfair administration of criminal justice; and

WHEREAS, many people are currently in jail for lack of financial resources, and not because they are a flight risk or danger to the public.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) will support efforts to implement risk assessment systems to replace money bail, and other similar innovative models that will improve outcomes for our citizens while protecting our communities;

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BE IT FURTHER RESOLVED, that the NBCSL supports federal, state, and local legislation that would take the following actions that recognize economic barriers to posting bail and provides innovative options while protecting our communities;

- Limit Pretrial Detention When Appropriate
- Eliminate Money Bail in Certain Circumstances
- Utilize Proven Risk Assessment Tools in the Correct Way
- Optimize Pretrial Services
- Involve Stakeholders at Every Stage of Reform; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials and agencies as appropriate.

**SPONSOR: Senator Brenda Gilmore (TN)**

**Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee**

**Certified by Committee Co-Chair: Representative Reginald Meeks (KY)**

**Ratified in Plenary Session: Ratification Date is December 6, 2019**

**Ratification is certified by: Representative Gilda Cobb-Hunter (SC), President**