

# LAW, JUSTICE, AND ETHICS

## Resolution LJE-17-23

### **A RESOLUTION CALLING FOR BAIL REFORM ACROSS THE UNITED STATES**

WHEREAS, the use of money bail bonds has increased significantly over the past two decades;

WHEREAS, the most common reason why people are held in prison or jail pretrial is their inability to afford to pay bail;

WHEREAS, between 1996 and 2014, the number of un-convicted jail inmates grew by 59 percent;

WHEREAS, the result of the increase in the money bail requirement disproportionately affects low-income people in our country and racial and ethnic minorities;

WHEREAS, African-Americans ages 18 through 29 receive significantly higher bail amounts than all other defendants and were less likely to be released on their own recognizance than white defendants;

WHEREAS, monetary bail amounts for minor infractions, misdemeanors, or felonies usually do not take into consideration a defendant's ability to pay in many jurisdictions across the United States;

WHEREAS, suspects who cannot afford bail are left to languish in prison or jail for days, weeks, or sometimes even months until their trials. This places additional pressure and the resulting unintended consequences on low-income people who risk losing their jobs, their homes, or more, if they are absent from work for too long;

WHEREAS, many Americans take a plea bargain and plead guilty (even if they are innocent) merely to get out of jail because they cannot afford the bail;

WHEREAS, the money bail system imposes a massive financial constraint on government budgets. Pretrial detention is estimated to cost state and local governments an estimated \$14 billion each year; and

WHEREAS, alternatives to bail include various pretrial services such as drug rehabilitation and various forms of supervision such as GPS monitoring, drug tests, check-ins, and court call reminders. Risk assessments by specialists will determine if pretrial services are appropriate;

WHEREAS, alternatives to money bail amounts can be found in Washington, DC and in the Federal Court system, where money bail has been effectively eliminated. A judge can set bail only if the defendant can afford it; and

WHEREAS, a study from the Administrative Office of the United States Courts found that pretrial detention for a defendant was nearly 10 times more expensive than the cost of supervision of a defendant by a pretrial services officer in the federal system.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL)

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urges each state and municipality to adopt the Federal Bail System, to include various pretrial services such as drug rehabilitation and various forms of supervision such as GPS monitoring, drug tests, check-ins, and court call reminders in lieu of money bail; 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 United States Senate; and other federal and state government officials as appropriate.

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SPONSOR: Representative 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 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President