

Bailing Out

Release on bail before trial is a basic right in many states for most defendants.

Sixty percent of defendants are released on bail before going to trial, according to the Bureau of Justice Statistics. This number hasn't changed in 20 years, but the type of bail most frequently used has.

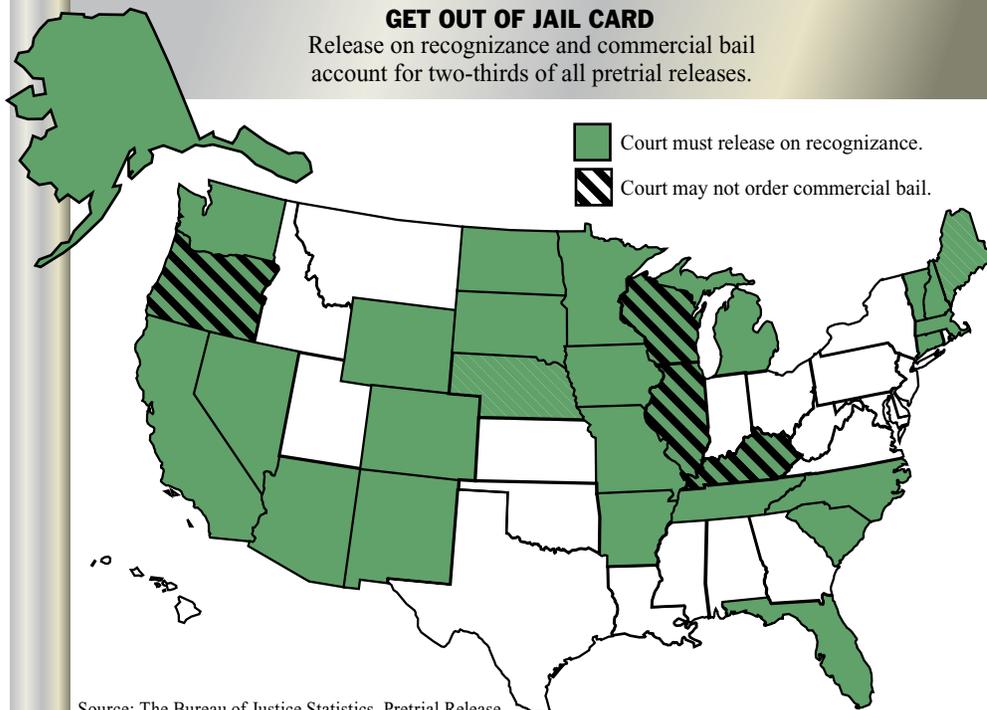
In the '90s, the most common form of bail was release on recognizance. All states authorize this kind of bail. Twenty-nine states have a presumption of release on recognizance, which means the court must release certain defendants after considering their flight risk and the victim's and public's safety.

Since 1998, the trend has shifted to release defendants instead to a commercial bail agent. Commercial bail is permitted in 46 states.

State lawmakers are taking a fresh look at bail laws, and at least 26 have passed laws this year addressing bail and regulation of the commercial bail industry. At least six states have added requirements for obtaining a bondsman license this year. And lawmakers in seven states have further restricted the release of defendants charged with domestic violence, sex and violent offenses.

GET OUT OF JAIL CARD

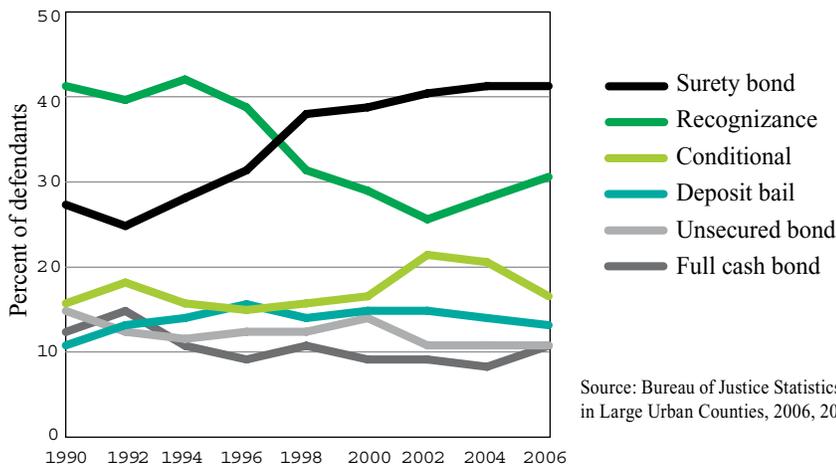
Release on recognizance and commercial bail account for two-thirds of all pretrial releases.



Source: The Bureau of Justice Statistics, Pretrial Release of Felony Defendants in State Courts, 2007; Pretrial Justice Institute, 2010; and NCSL, 2010.

A RANGE OF CHANGE

The type of pretrial release used for felony defendants has shifted in the 75 most-populated counties in the country, from 1990 to 2006.



Source: Bureau of Justice Statistics, Felony Defendants in Large Urban Counties, 2006, 2010.

BAIL DETAIL

These are the most common forms used in state courts.

TYPE	WHAT IT REQUIRES	FINANCIAL CONSEQUENCE FOR FAILING TO APPEAR
Surety Bond	Defendant pays a fee to a commercial bail agent who posts full amount.	Bond company is liable for full bail amount.
Recognizance	Defendant agrees to appear in court.	None
Conditional	Defendant agrees to comply with specific conditions.	None
Deposit Bond	Defendant posts a percentage of the bail amount.	Defendant is liable for full amount.
Unsecured Bond	Bail amount is set but no payment is required for release.	Defendant is liable for full amount.
Full Cash Bond	Defendant posts full bail amount.	Defendant is liable for full amount.