



Pretrial Release Legislative Reports

COLORADO

Author – Office of Policy, Research, and Regulatory Reform; Department of Regulatory Agencies (DORA); Division of Insurance (DOI)

Date – October 2011

Authorizing law – §24-34-104(8)(a) directs DORA to conduct sunset audits.

2011 Sunset Review: Bail Bonding Agents and The Bail Bond Advisory Committee – The report evaluates the need for the state’s continued regulation of bail agents, as well as the effectiveness of the DOI and division staff. Eleven recommendations were made in regard to state oversight of bail agents, including that state regulation and the Bail Bond Advisory Committee should be continued for five years — until 2017 — and the committee’s membership be changed and assigned new duties. The report also recommended that a license for bail bonding agencies be created.

CONNECTICUT

Comparing Professional Bail Bondsmen Laws and Proposals for Surety Bail Bond Agents

– This report compares features of professional bail bondsmen laws, existing surety bail bond agent laws, and changes proposed under HB 6354 (2009) to the surety bail bond agent laws. The report offers a charted comparison of the laws, as well as a text summary of the bill highlighting the differences from current law. HB 6354 would have expanded licensing requirements; established solicitation, record retention and reporting standards; set premium financing and collateral security regulations; required agents to certify use of commissioner approved premium rate; and authorized commissioner to suspend or revoke license for violation. The bill was not enacted.

Author – Office of Legislative Research, Connecticut General Assembly

Date – December 2009

FLORIDA

Author – The Office of Program Policy Analysis & Government Accountability (OPPAGA), Florida Legislature

Date – December 2012

Authorizing law – §907.044 directs OPPAGA to annually evaluate the state’s pretrial release programs.

Most Pretrial Release Programs Continue to Comply with Statutory Reporting Requirements

– The 2012 report surveyed the 28 counties with defendants participating in pretrial release programs. Each year the OPPAGA evaluation addresses how the programs are funded; the nature of charges and criminal history of the participating defendants; the number of defendants who fail to appear in court or are arrested while on pretrial release; and whether or not the programs are meeting statutory requirements. Previous reports are available on the [OPPAGA website](#).

MARYLAND

Bail Bonds System – The report provides an overview of state law relevant to the pretrial release process, executing a bail bond, and failure to appear and forfeitures. The Bail System Task Force, created by an administrative order in 2003, is highlighted in a summary of recent efforts to reform the bail process. The final draft of the task force’s report was issued in 2007, and legislation based on its recommendations, which failed to pass, was introduced in 2008. The task force was disbanded in the same year.

Author – Department of Legislative Services (DLS), Office of Policy Analysis, Maryland General Assembly

Date – October 2012

MISSOURI

Author – Department of Insurance, Financial Institutions & Professional Registration (DIFP)

Date – January 2010

Authorizing law – HB 577 (2009) directed the DIFP to report on current regulation of the state’s bail bond industry, along with recommendations for legislative, regulatory and policy changes.

Final report of the Missouri Bail Bond Study Committee – The Missouri Bail Bond Study Committee, appointed by the DIFP director, collected 264 responses to the DIFP’s survey, conducted public hearings, and referenced several states with recent action to strengthen their bail bond laws. In the report, the committee identified 15 issues, with recommendations to correct each. A ban on allowing felons licensure, more training and oversight of continuing education, increasing fines and enforcement for violations, and a more specific statutory definition of the bail bond business were among the committee’s recommendations.

NEW YORK

New York City Department of Finance: Accountability Over Court, Trust and Bail Funds – The report summarizes the State Comptroller’s audit of the New York City Department of Finance’s (Finance) capability to maintain accurate accounting for court, trust and bail funds. New York City courts are responsible for forwarding all funds collected to Finance; as of Dec. 31, 2006 discrepancies between records from the New York City courts and Finance totaled more than \$14 million. The report makes three recommendations: implement an upgraded computer system that better maintains accounts; monitor existing discrepancies to ensure they do not significantly change; and develop a strategy to resolve the current discrepancies.

Author – Office of the New York State Comptroller, Division of State Government Accountability

Date – August 2008

WASHINGTON

Author – Bail Practices Work Group

Date – December 2012

Authorizing law – SB 6673 (2010) created the Bail Practices Work Group to provide a comprehensive study of bail practices and procedures, and make recommendations to the Governor, Supreme Court and the Legislature.

Report to the Legislature: Recommendations for Improving Washington State Bail Practices – The report lists the aspects of bail practices the work group was charged with reviewing, including the legal and constitutional constraints in granting or denying bail, and whether – or to what extent – uniformity of bail practices should be required by state law. Fifteen recommendations are outlined in the report, such as the use of risk assessment tools, allowing courts access to mental health records for the purposes of bail and pretrial release, and that the state not implement a bail schedule, instead leaving it in the control of local jurisdictions.

WEST VIRGINIA

Research Report: Regulation of the Bail Bonding Industry – The West Virginia Legislature's Joint Committee on Government Organization requested the Legislative Auditor to study and identify a regulatory agency for commercial bail bondsmen. The report made three recommendations: that the Insurance Commissioner of West Virginia be assigned as the regulatory agency; that the Insurance Commissioner use rules previously written by the West Virginia Supreme Court of Appeals; and that bail bond enforcers continue to register with the state police.

Author – West Virginia Legislative Auditor's Office,
Performance Evaluation
and Research Division

Date – August 2012