



**Testimony of Becky Straus, Legislative Director
In Opposition to HB 2548
House Committee on Judiciary
March 26, 2013**

Chair Barker and Members of the Committee:

Thank you for the opportunity to testify today in regard to HB 2548, which proposes to re-establish a commercial bail system in Oregon. Due to Oregon's prior experience with and subsequent rejection of the bail bond system, the ACLU is opposed to revisiting that regime.

Forty years ago and after much deliberation, the Legislature made the conscious decision to end Oregon's experiment with commercial bail bonds. The system garnered concerns both of corruption and disproportionately harsh treatment of people of modest means. While some bondsmen actively pursued their missing clients, more often than not it was law enforcement officers who returned individuals who had skipped out on bail.

Under the previous system countless defendants could not afford to make bail at the rates charged by the commercial bail industry. Consequently, despite the fact that many defendants were just as likely, if not more likely, to appear at their trials as those who could afford bail, they remained in jail. Pretrial incarceration frequently led to job loss, even for those eventually acquitted.

HB 2548 proposes to return to this system. It would, in effect, reverse existing statutes, which base release decisions on public safety considerations, and could significantly compromise public safety. A bail agent's obligation is to ensure that defendants appear in court, not to supervise the defendant on release. If a defendant commits new crimes or violates release conditions while out on bail, a bail bondsman loses no money. Only pretrial service programs protect the public by supervising the defendant's conduct while on release.

Moreover, a bail recovery agent is a bounty hunter. Bounty hunters routinely employ dangerous tactics when in hot pursuit of the people who they have been hired to capture. This approach can easily result in a bounty hunter pointing, and even discharging, a gun at a person who is combative, aggressive, and has no desire to surrender. Law enforcement officers have the necessary training to deal with these situations; bail bondsmen do not.

And, finally, HB 2548 would diminish well-established revenue streams. Under the existing deposit system, a defendant must deposit 10 percent of his or her calculated security amount with the court clerk, and if he or she satisfies all of the conditions of release, the court clerk will return 85 percent of the deposit to the defendant, retaining the remaining 15 percent, plus interest, for the benefit of that court's jurisdiction. These deposits are currently used to pay fees, fines, assessments, restitution to crime victims, child support judgments, court appointed attorney fees, and reimbursement for judicial staff time in administering bail.

For these reasons, we support all others testifying today in opposition to HB 2548. Thank your time and consideration. We respectfully urge that you do not move forward with this bill.