

HCS #2 HB 1063 -- BAIL BONDS

SPONSOR: Pollock (123)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Corrections and Public Institutions by a vote of 9 to 0. Voted "To Return to the Committee of Origin" by the Standing Committee on Rules - Administrative Oversight by a vote of 7 to 0. Voted "Do Pass with HCS #2" by the Standing Committee on Corrections and Public Safety by a vote of 8 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 6 to 3.

This bill allows a court to accept, in lieu of a cash only bond, a guaranty from any surety who is in compliance with the general laws regulating bail bondsmen. The bill also allows the court to require a person to report regularly to a private pretrial court services company that has been contracted by the court and that has been approved by the Office of State Courts Administrator. Upon judgment of a bail bond forfeiture, money shall be disbursed in the same manner as the judgment that is paid by a professional surety.

The bill prohibits municipal, associate, or circuit judges, or their relatives within one degree of consanguinity or affinity, from owning a bail bonds company until two years after the judge is no longer on the bench.

PROPONENTS: Supporters say that this allows a court to accept a surety bond in lieu of a cash bond. Many counties are over their maximum capacity in their jails and it's partially because people do not have the cash to get out, so this should help with that. The problems will only increase with 10% bonds, since there is still no assurance that the individuals will appear, which puts more work on the sheriff's deputies. The Chief Justice of the Missouri Supreme Court mentioned requiring people to be released on their own recognizance. However, if there is a low appearance rate, there will be more cash bonds required. It is easier to get someone released with a surety bond because then they can put up property rather than cash. This way, the property can be financed through the bail bonds company. It is also important to have the company approved through the Office of State Courts Administrator because no one currently checks on persons being monitored.

Testifying for the bill were Representative Pollock; Ben Hilton, Surety Bail Bonds; Daniel Mense, Dan Mense Bail Bonds; and Rebecca Hilton, Court Probationary Services Inc.

OPPONENTS: Those who oppose the bill say that this legislation was written hastily and poorly, and it is an attempt to tell our courts

what to do. There is a reason they do cash bonds; they want to make a point to the defendant. There are other ways the goals of this legislation can be accomplished.

Testifying against the bill was Michael McMahon.

OTHERS: Others testifying on the bill say that when someone is charged with an offense, the person calls a bail bonds company. The company then does a risk assessment to see if the defendant is a danger to a person or society or if the person is a flight risk. There are times when the company declines to post a surety because the person poses an immediate threat and sometimes they decline because the person is a flight risk. They are the primary pretrial release programs the courts have available, and there is no need to reinvent the wheel to hire people who have the ability to do the job already being done.

Testifying on the bill were Larry Newman, Missouri Alliance of Professional Bail Bond Agents; and the Judicial Conference of Missouri.