

2002 SESSION

INTRODUCED

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HOUSE JOINT RESOLUTION NO. 62

Offered January 9, 2002

Prefiled January 7, 2002

Directing the Crime Commission to conduct a study examining the feasibility of and methods of providing for a percentage bond payment to the court.

Patron—Howell

Referred to Committee on Rules

WHEREAS, approximately 225,000 persons are admitted to jail awaiting trial annually; and

WHEREAS, greater than 60 percent are misdemeanor defendants held in lieu of meeting the conditions of a secure bond; and

WHEREAS, 87 percent are subsequently released, the majority after paying a percentage bond, and often an administrative fee, to a corporate or private bond agent, the amounts of which are not recoverable even when bond conditions are met; and

WHEREAS, a significant number of these defendants or their families are subsequently required to pay, exclusive of fines and other fees, court costs ranging from about \$40 to \$200; and

WHEREAS, Virginia's major bail reform legislation of 1973 and 1999 reflects language similar to the federal Bail Reform Act of 1966 and bail reform in the Comprehensive Crime Control Act of 1984; and

WHEREAS, the federal bail acts historically provided the means for a defendant to pay a percentage bond to the court, the majority of which is recoverable when conditions of bail are met, and that 27 states of the nation and the District of Columbia include similar provisions in their bail legislation that is absent in Virginia's; and

WHEREAS, these bail procedures allow the court to reimburse the accused for the majority of the bail amount subject to appearance until final disposition or with the agreement of the defendant to keep the percentage bail for payment, where applicable, of fees, costs and fines upon conviction or following a deferred proceeding; and

WHEREAS, § 16.1-108 of the Code of Virginia permits, in the appeal of a civil case, a respondent to ". . . in lieu of giving bond with surety . . . [a] deposit with the judge or clerk of a sum of money as the judge or clerk may estimate to be sufficient to secure the appeal bond."; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Crime Commission be directed to conduct a study examining the feasibility of and methods of providing for a percentage bond payment to the court.

The Commission shall, at a minimum, solicit input and assistance from representatives of the Department of Criminal Justice Services, the Office of the Executive Secretary of the Supreme Court, and local pretrial services agencies.

An initial report shall be due to the General Assembly no later than December 15, 2002, and a final report, with a recommendation, due no later than September 1, 2003.

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