

19103692D

HOUSE JOINT RESOLUTION NO. 661

Offered January 9, 2019

Prefiled January 8, 2019

Directing the Virginia State Crime Commission to study the effects of changes in policies regarding the cash bail bond system on referrals to pretrial services agencies and costs associated with such referrals. Report.

Patron—Poindexter

Referred to Committee on Rules

WHEREAS, in 2012, the Department of Criminal Justice Services conducted a study of pretrial release and recommended that, among other things, "Establishing the 'new norm' in Virginia requires a shift in practice away from a presumption of secured bond and toward a presumption favoring release on the least restrictive terms and conditions based on the individual risk factors posed by the defendant. Ideally, a low to below-average risk non-violent defendant should be released on personal recognizance or an unsecured bond unless the judge finds in his or her discretion that the defendant is a flight risk or danger to others."; and

WHEREAS, some attorneys for the Commonwealth offices have indicated a change in their policy regarding cash bail bonds and have stated that they will no longer request cash bail for defendants. The Office of the Attorney General has also expressed support for reforming the cash bail bond system in Virginia, stating concerns about potential constitutional and statutory issues with the status quo; and

WHEREAS, a consequence of such policies that move away from using cash bail bonds may be an increased number of defendants who are referred to pretrial services agencies to be supervised; and

WHEREAS, an increased number of defendants being supervised by pretrial services agencies may result in an increase in the cost of such programs; and

WHEREAS, the Virginia State Crime Commission is currently studying the pretrial process, including the bail bond system, with the Virginia Pre-Trial Data Project in order to determine how effective various pretrial release mechanisms are at ensuring public safety and defendants' appearance at court proceedings; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study the effects of changes in policies regarding the cash bail bond system on referrals to pretrial services agencies and costs associated with such referrals.

In conducting its study, the Virginia State Crime Commission shall (i) determine the cost per individual and collectively of pretrial services; (ii) identify jurisdictions in which the attorney for the Commonwealth or judges are no longer using cash bail bonds; (iii) assess whether there is an increase in defendants who are being referred to pretrial services agencies to be supervised; and (iv) assess the increase in the costs of providing pretrial services as a result of policies moving away from the use of cash bail bonds.

Technical assistance shall be provided to the Virginia State Crime Commission by the Department of Criminal Justice Services. All agencies of the Commonwealth shall provide assistance to the Virginia State Crime Commission for this study, upon request.

The Virginia State Crime Commission shall complete its meetings by November 30, 2019, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2020 Regular Session of the General Assembly. The executive summary shall state whether the Virginia State Crime Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

INTRODUCED

HJ661