

## UPDATE OF CRIMINAL JUSTICE POSITION

The board of LWV Texas recommends adding two bullets (in bold) concerning bail bonds to the [Criminal Justice position](#), to read:

*The League of Women Voters of Texas supports an equitable system of criminal justice in Texas with the following provisions:*

- improvements in pretrial justice programs and an adequately state-funded public defender system including
  - availability of night and weekend magistrates
  - improvements in the training and requirements of law personnel
  - revision of the bail bond system to permit counties to serve as bonding agencies and to provide regulation of all commercial bail bond agencies and guidelines for more uniform bail amounts
  - **reform of the bail bond system to require risk assessment for low risk, low income defendants who are arrested for economic nonviolent crimes, and who are unable to pay bail cost, so that they can be released on own recognizance, subject to monitoring awaiting pretrial.**
  - **reinforcement of the requirements for open hearings and the presence of a public defender at the time of a pretrial hearing.**

A recommended review of this position was passed at the 2018 LWVTX Convention: “Focus: Review the current bail bond system with respect to fairness of practices and the defendant’s ability to pay and risk to public safety.”

### **Reasons for recommendation:**

#### **Pro:**

- According to a report by Texas Appleseed, “Approximately 61% of individuals held in Texas county jails have not been convicted of any crime. They are being detained before trial, most often because they cannot afford the amount of the bond.”
- Reducing incarceration of defendants awaiting a pretrial hearing would be a cost saving for counties in Texas. Employed offenders would be able to return to work awaiting a pretrial hearing.
- The constitutional right of innocence until proven guilty by the courts would be honored.

#### **Con:**

- There is concern that individuals who have committed a non-violent offense will become a repeat offender and commit a felony.
- There is also concern that an individual with a previous history of a violent crime might be assessed as a low risk and released prior to pretrial.

### **Rationale for using this form of member agreement:**

If we approve this recommendation today, as convened in statewide conference, we will be able to lobby in the upcoming state legislative session if any bills are filed which address these laws. If we do not approve this recommendation now, the next time it could be considered in in our LWVTX convention in 2020.