

Hon. Robert J. Devlin
Chair

Alex Tsarkov
Executive Director

Website:

<http://clsentencingcommission.org/>

Email:

SentencingCommission@ccsu.edu

Mailing Address:

Connecticut Sentencing
Commission
Room 212
185 Main ST
New Britain, CT 06051

CONNECTICUT SENTENCING COMMISSION

January 28, 2019

Rules Committee of the Superior Court
Connecticut Supreme Court Building
231 Capitol Avenue
Hartford, CT 06106

Dear Members of the Rules Committee,

On behalf of the Connecticut Sentencing Commission, we are writing to request that you consider a rule change to the *Connecticut Practice Book* to make the ten percent cash bail provision an automatic option for defendants whenever a surety bond of \$20,000 or less is imposed. Enclosed please see the draft of the proposed rule.

As you know, the ten percent cash option is already authorized in the *Practice Book*, and is available if requested by the defendant and granted by a judge. If granted, defendants receive their money back once their case is disposed.

An automatic option of ten percent to the court would assist indigent persons to make a bond. It would lessen the burden on those who could barely afford it and it may help those defendants who are detained on low-level charges to make their bond.

This proposal was endorsed by the Connecticut Sentencing Commission in its 2017 report on pretrial release and detention. As you know, the Commission's membership consists of all the major stakeholders in the criminal justice system of Connecticut including superior court judges, the Chief State's Attorney, the Chief Public Defender, the Victim Advocate, the commissioners of Corrections, Emergency Services and Public Protection, and Mental Health and Addiction Services; community activists interested in the criminal justice system, the chair of the Board of Pardons and Paroles, municipal police chiefs, the undersecretary of the criminal justice policy and planning division, as well as others vitally engaged in the criminal justice system.

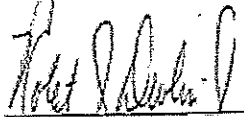
We realize that expanded utilization of ten percent cash is not a long-term solution to pretrial justice issues. The Sentencing Commission is examining

whether Connecticut should move to a no-money bail, in-or-out type of system where persons are detained only upon a finding of flight risk or dangerousness after an on-the-record hearing conducted with the proper due process considerations.

The Sentencing Commission will continue its efforts to explore a no money bail system. In the meantime, we ask that you amend the *Practice Book* to expand the ten percent cash option and improve the pretrial justice system in the state.

Thank you in advance for your consideration. If you have any questions, we would be glad to provide further information.

Sincerely,



Honorable Robert J. Devlin, Jr.
Chair



Alex Tsarkov
Executive Director

Proposed Sec. 38-8. Ten Percent Cash Bail

Unless otherwise ordered by the judicial authority, 10 percent cash bail shall be automatically available for surety bonds not exceeding \$20,000. For surety bond amounts exceeding \$20,000, 10% cash bail may be granted pursuant to an order of the judicial authority. This 10 percent option applies to bonds set in court as well as bonds set at the police department.

When 10 percent cash bail is authorized either automatically or pursuant to court order, upon the [When 10 percent cash bail is granted, upon] the depositing in cash, by the defendant or any person in his or her behalf other than a paid surety, of 10 percent of the surety bond set, the defendant shall thereupon be admitted to bail in the same manner as a defendant who has executed a bond for the full amount. If such bond is forfeited, the defendant shall be liable for the full amount of them bond. Upon discharge of the bond, the 10 percent cash deposit made with the clerk shall be returned to the person depositing the same, less any fee that may be required by statute.