



## **AB 42 (Bonta)** **California Money Bail Reform Act of 2017** *(As Amended March 27, 2017)*

### **Summary**

AB 42 would reform California's money bail system and replace the current pretrial process that often forces people of modest means accused of minor crimes to remain in jail until a court can determine their innocence or guilt while the wealthy go free.

### **Background**

On any given day, 63 percent or roughly 46,000 Californians are awaiting trial or sentencing in a county jail, simply because they cannot afford to post bail. For people who can't pay, their lives are turned upside down, waiting in jail for weeks or months before their case goes to court even when the charge is minor. The result is devastating for the individuals, who can end up losing their jobs, their homes and almost anything of value, and creates great turmoil and difficulty for their families. Many people charged with minor crimes who are unable to pay bail, but believe they are innocent, decide to plead guilty simply to get out of jail, keep their jobs and return to their families.

While some individuals are considered too dangerous to release and should be held in custody for those reasons, many are not a threat to public safety and could be released, monitored and reminded when to return for court hearings. The current bail system not only disproportionately affects the poor, but it also costs counties. It currently costs counties holding inmates awaiting trial over \$100 per inmate per day, according to the Board of State and Community Corrections. The Pretrial Justice Institute reports that the cost of supervising a defendant in the community is about 10 percent of the cost of keeping him or her in jail.

### **Proposal**

This bill safely reduces the number of people being held in jail awaiting trial. It ensures that those who are not a threat to public safety or at risk of fleeing are not held

simply for their inability to afford bail.

The bill would require, except when a person is arrested for specified violent felonies, that a pretrial services

agency conduct a risk assessment and prepare a report that makes recommendations on conditions of release for the person pretrial.

If the court determines that pretrial release, with or without nonfinancial conditions, will not reasonably assure the appearance of the person in court as required, the bill would require the court to set monetary bail at the least restrictive level necessary to assure the appearance of the defendant in court as required. The bill would authorize, if the court has set monetary bail, the person to execute an unsecured bond, execute a secured bond, or deposit a percentage of the sum mentioned in the order setting monetary bail.

The court may detain a person under certain conditions and authorizes a prosecuting attorney to file a motion seeking the pretrial detention of a person in certain circumstances, including when the person has been charged with a capital crime, and the prosecuting attorney alleges that the facts are evident or the presumption great.

The bill also creates standards for training and for cost-effective and validated assessment tools.

### **Support**

- American Civil Liberties Union of California (co-sponsor)
- Anti-Recidivism Coalition (co-sponsor)
- California Public Defenders Association (co-sponsor)
- Californians for Safety and Justice (co-sponsor)
- Ella Baker Center for Human Rights (co-sponsor)
- Essie Justice Group (co-sponsor)
- SEIU California (co-sponsor)
- Silicon Valley De-Bug (co-sponsor)
- Western Center on Law and Poverty (co-sponsor)
- 9to5 Working Women
- A New Path
- A New Way of Life Reentry Project
- Advokids
- All Saints Church, Pasadena
- Alliance for Boys and Men of Color
- American Academy of Pediatrics, California
- American Friends Service Committee

- Amity Foundation
- Asian Americans Advancing Justice - California
- Asian Law Alliance
- Bend the Arc: A Jewish Partnership for Justice
- Black Women for Wellness
- California Association of Alcohol and Drug Program Executives, Inc.
- California Coalition for Mental Health
- California Coalition for Women Prisoners
- California Labor Federation
- California Latinas for Reproductive Justice
- California Women's Law Center
- California Youth Empowerment Network
- Center on Juvenile and Criminal Justice
- Children's Defense Fund - California
- Coalition for Humane Immigrant Rights
- Communities United for Restorative Youth Justice
- Community Oriented Correctional Health Services
- Contra Costa County Defenders Association
- Contra Costa County Public Defender Robin Lipetzky
- Council on American Islamic Relations, California
- Courage Campaign
- Democratic Party of Contra Costa County
- Disability Rights California
- Drug Policy Alliance
- Friends Committee on Legislation of California
- Homeboy Industries
- Housing and Economic Rights Advocates
- Human Impact Partners
- Human Rights Watch
- Hunger Action Los Angeles
- John Burton Advocates for Youth
- Los Angeles Regional Reentry Partnership
- McElfresh Law, Inc.
- Mental Health America of California
- Mental Health America of Los Angeles
- Napa County Public Defender Ronald H. Abernethy
- National Council of La Raza
- National Immigration Law Center
- Oakland Privacy
- Pangea Legal Services
- Peace United Church of Christ
- People's Life Fund

- Root & Rebound
- Rubicon Programs
- San Francisco City Attorney Dennis J. Herrera
- San Francisco Coalition on Homelessness
- San Francisco Public Defender Jeff Adachi
- San Francisco Senior & Disability Action
- San Jose/Silicon Valley Branch of the NAACP
- San José State University Human Rights Institute
- Solano County Public Defender Lesli M. Caldwell
- Sonoma County Public Defender Kathleen Pozzi
- Strike Debt Bay Area
- Tarzana Treatment Centers
- Temple Beth El Jewish Community Center
- The Financial Justice Project San Francisco
- The Kitchen
- The Women's Foundation of California
- T'ruah: The Rabbinic Call for Human Rights
- UDW-AFSCME Local 3930
- UFCW Western States Council
- United Advocates for Children and Families
- Urban Peace Institute
- W. Haywood Burns Institute
- Western Regional Advocacy Project
- Youth for Environmental Sanity (YES!)
- Youth Justice Coalition

### **Opposition**

- Albert Ramirez Bail Bonds
- American Bail Coalition
- California District Attorneys Association
- Fresno County Sheriff-Coroner Margaret Mims
- Golden State Bail Agents Association
- Peace Officers Research Association of California
- Professional Bail Agents of the United States
- Speedy Bail Bonds

### **Contact**

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