

**TESTIMONY IN SUPPORT OF 19-S 492 AND 19-S 602
ACTS RELATING TO CRIMINAL PROCEDURE – BAIL AND RECOGNIZANCE
April 9, 2019**

The ACLU is highly supportive of S 492 and S 602, which would establish pretrial release of individuals without the requirement of monetary bail. We believe that statutory changes such as these are critical in confronting a wealth-based incarceration and criminal justice system.

For individuals who are lower-income, the burden of a cash bail is often something that they are unable to overcome. Without an immediate cash flow, or without the use of predatory for-profit bail businesses, they are oftentimes forced to stay in jail until their case is heard, while wealthier individuals who can post bail are permitted to go home while awaiting their hearings. These two pieces of legislation would work to restructure this system and ensure that individuals are not being held in jail simply because they cannot afford to leave.

At least a dozen other states have taken actions towards reforming a monetary bail system, with California recently eliminating cash bail entirely. The ACLU believes that both S 492 and S 602 represent an important step towards overhauling a justice system which favors the wealthy and further criminalizes the indigent.

Thank you for your consideration.