ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 23-S 375,
AN ACT RELATING TO CRIMINAL PROCEDURE – BAIL AND RECOGNIZANCE
March 21, 2023

The ACLU of Rhode Island is highly supportive of this legislation, which would generally promote pretrial release of individuals without the requirement of monetary bail when they are charged with a misdemeanor offense. We believe that statutory changes to address this issue are critical in confronting a wealth-based incarceration and criminal justice system.[1]

For individuals who are lower income, the burden of cash bail is often something that they are unable to overcome, even when the amount may seem relatively small. 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.

The effects of this can be devastating. Even a stay of just a few days in jail can lead to a person's loss of their job, missed payments and other life disruptions that can be very hard to undo, no matter the outcome of the criminal charges. It can force a person to plead to a crime that they are not guilty of, or it can make it harder for them to prepare a defense. The list of direct and collateral consequences goes on and on.

At least a dozen other states have taken action in recent years towards reforming their monetary bail systems. The ACLU believes that this legislation represents an important step towards overhauling a justice system that favors the wealthy and further criminalizes the indigent. For these reasons, the ACLU supports legislation that strongly limits the use of cash bail.

Thank you for your consideration.

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[1] Because this legislation allows for the imposition of cash bail for people who may be likely to obstruct justice or intimidate or threaten witnesses, we do not believe the blanket exception contained in the bill for "domestic violence" misdemeanor offenses is appropriate or necessary.