



KANSAS BAIL AGENTS ASSOCIATION

TO: Senate Judiciary Committee
From: Chris Fisher, VP of the Kansas Bail Agents Assoc.
Date: February 2, 2012
RE: Support of HB321

Members of the Committee:

My name is Chris Fisher. I have been a bondsman for 14 years and am currently the Vice-President of the Kansas Bail Agents Association and own Premier Monitoring for house arrest clients. For all of the years I have been in business, I have always operated in Sedgwick County, Kansas. It is my desire to testify in support of SB321 and offer conclusive evidence to the effects of Own Recognizance (OR) bonds.

The opponents to this bill will state that if this bill is passed, it will drastically increase jail populations and limit judicial discretion. This is simply not the case. I put forth the following information to the contrary:

1) A vast majority of these defendants that are currently placed on OR bonds are not in fact indigent defendants. Although very few people could afford a \$100,000 bond that costs \$10,000, there is an amount that assure's justice and protects the safety of the public.

Many of these clients may be placed on a pretrial program. While these programs do serve a meaningful purpose, they fail to ensure defendants return to custody in the event of a failure to appear.

At some point, we have to have to decide what is more important. Do we let felony defendants out on OR Bonds that create a threat to public safety and a substantial increase in failure to appears, or is the primary concern with jail overcrowding?

For Example; should a defendant (such as Sedgwick County Case #: 11CR3359) be released on a felony Rape, aggravated criminal sodomy and aggravated robbery charge with a \$250,000 OR Bond? Did I mention his previous conviction in 2008 (Case #: 08CR2723) where he was charged with Rape and Aggravated Criminal Sodomy.

It is my position that this bond could have been lowered to a manageable level to assure that this defendant will be held accountable for this charge. In the event he failed to appear, who would go after this defendant? Can we count on Sedgwick County that currently has over 13,670 active warrants to go arrest this defendant on an OR Bond? If the county spends all of its time and money, what do they stand to gain? The answer is nothing. I have yet to see one documented case where the judicial system collected on an OR Bond. In the alternative scenario, if bonded out with a bondsman, not only does the

court stand to gain if we can't recover the defendant in the time allotted by state law, there is no question that we will extend our every effort immediately to return the defendant to custody.

If there in one thing I can guarantee as a bondsman, the minute we are notified of a defendant missing court, we begin to work day and night to bring that defendant back into custody. The monetary loss that we would sustain on a routine basis for not doing our job would put us out of business.

If I may present some simple statistics:

a) After reviewing 47 weeks of bond forfeitures on the Sedgwick County criminal docket, there were 868 failures to appear / bond forfeitures. Of those 868 forfeitures, 548 were released on some form of OR Bond. This means that 63% of the bond forfeiture's in the 47 weeks studied were OR Bonds. What is the actual cost to the court for the wasted time and effort to prepare for case's at which the defendants fail to appear? What percentage of these defendants were never apprehended?

b) There were 1076 Felony cases filed in 2011 in which the defendant was given an Own Recognizance bond. Many of the defendants that have failed to appear have shown that they do not possess the ability to appear on their own. As stated in statistic A, 548 of the forfeitures/failures to appear heard in 2011 were on an OR Bond. I present the following case:

The defendant in Sedgwick County Case #: 10CR1478 (Charge of Aggravated Burglary) was given two separate Surety Bonds, both times he failed to appear and both times he was returned to custody by the bondsman. In this very same case, after having to be recovered twice, the court system still felt that he qualified for a \$50,000 OR Bond and was released with his "promise" to appear. This is not an isolated case or occurrence. Logic dictates that if a defendant has proven that he can't appear on time with a bondsman, does his "promise" really stand for anything.

Opponents of this bill will argue that defendants fail to appear for the bondsman as well. This is true, but if we do not return our defendant in time as allowed by state law (60 Days), the county and state stand to gain financially from our inability to perform. Sedgwick County has a very strict policy in place that demands payment within the time allotted if the defendant has not been returned to custody.

From a purely statistical standpoint, my company's failure to appear rate for defendants is well below 5%. In terms of actual defendants that we paid bonds on, there were only 3 defendants that eluded our capture and we had to pay the forfeiture on.

A vast majority of these defendants, while they may not be able to afford a very high bond, have shown the ability to afford reasonable bonds that still serve to subdue the public safety issue of their release and give them and their family the financial incentive to appear. The only person that wins on an OR Bond is the defendant. There is ultimately very little accountability if they fail to appear, the inconvenience is minimal and the financial incentives are Nill. Don't believe for a minute that the criminal element in this state is not smart enough to know the system. They are masters at the system. They are willing to stay in jail a few extra days because they know they are taking up bed space and very soon, they will be let out on an OR Bond.

Members of the committee, I truly believe that in the 14 years I have been in business, that bondsmen serve a very valuable role in the judicial system. There simply is NO substitute for the effectiveness and efficiency in which we do our job.

I appreciate the opportunity to speak with you today and am willing to answer any questions that you may have.

A handwritten signature in black ink, appearing to read "Chris Fisher". The signature is fluid and cursive, with the first name "Chris" and the last name "Fisher" clearly distinguishable.

Chris Fisher
VP, Kansas Bail Agents Association