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**House Committee on Juvenile Justice and Corrections**

**Chairman, members of the committee:**

**My name is Chris Fisher of Big Fish Bail Bonds and Vice President of the Kansas Bail Agents Association. I have been in the bail bond business for over 14 years and prior to that I worked for the Sedgwick County Sheriff Department for two years. I appreciate the opportunity to submit testimony in support of HB 2070.**

**I would like to focus my testimony on the O.R. portion of the bill. Opponents of this bill will argue that this is a bill that limits a judges discretion. This bill simply ratifies what judges are already required to take into consideration when granting a defendant a bond. This bill would simply require a guideline for judges to use before an O.R. bond is granted to a defendant. Opponents will also argue that this is an industry driven bill and that bonding companies simply want to make more money. The facts are that we are simply trying ensure public safety by asking that defendants who have previously abused the O.R. system and have had a history of failing to appear and comply with the court are required to post some sort of bond ensuring their appearance. These are high level felonies that are in most jurisdictions already made to post a surety bond when they are booked into a facility.**

**Generally, when a high level felony is booked into the jail there is either a bond set by a judge or via a bond schedule determined by their charges. For example if someone is booked for Aggravated Battery and their bond is initially set at 25,000.00 pro surety then they must use a bond company and typically pay a 10% fee to be released. The family also has the option to pay the full 25,000.00 to the court to secure the defendants release. A bonding company will have the family go through an application process and require someone to indemnify or co sign for the defendant ensuring their appearance in court. This already gives a bonding company an advantage over law enforcement if they are looking for someone who posted an O.R. bond. By having an indemnity agreement with the defendants family that gives the bonding company leverage with the family in the event the defendant misses court. It simply gives the family financial incentive do the right thing and help the bonding company in locating and getting the defendant placed back into custody. There is no bigger motivator than money.**

**In some cases even though the defendant may have initially had a 25,000.00 bond set, a judge may after the first appearance or an agreement between the defense lawyer and a D.A. grant an O.R. bond, in which case the defendant simply promises to appear back in**

**court with nothing more than a signature. This means that if a defendant posts a 25,000.00 O.R. bond that that defendant misses court no one is made responsible for the 25,000.00. In the state of Kansas there has never been a judgement collected on an O.R. bond. If that defendant misses court after posting a 25,000.00 Surety bond the bonding company in most cases is given 60 days to arrest the defendant or the bonding company must pay the court the full 25,000.00 which creates revenue for that county as well as the state.**

**This leads to why we are asking that if an O.R. bond is granted, that the amount is set at no more than 2500.00. An O.R. bond that is granted in the amount of 100,000.00 is deceiving to the public. That money is never collected in the event the defendant forfeits that bond.**

**In Sedgwick County alone there are over 12,000 active warrants not including municipal warrants. Sedgwick County employs 5 warrant officers that typically work 40 hours per week. When a defendant that has a history of failure to appear is granted an O.R. bond they are more likely to miss again. In the interest of public safety it does not make sense to give a defendant a “get out of jail free card” and reward him or her after previously failing to appear or violating previous pretrial programs.**

**In closing I would like to say that I truly respect the Judges, Sheriff and the D.A. in my district and admire the job they do as well as the service they provide to our community. With that said I also believe that this is a matter of public safety.**

**Simply put, a defendant with very serious charges and a previous record of failing to appear in court should not be given an O.R. bond. Bail Bond companies are much more effective at recovering fugitives that fail to appear than an understaffed warrant department that just does not have the capability to apprehend fugitives at the same rate that a bonding company has. An O.R. bond is not worth any value and has never been collected upon a forfeiture, however a surety bond must be paid by the bonding company in the event they do not apprehend a fugitive within the time specified by the court. An O.R. bond should not be used as a tool for jail overcrowding when it is not in the best interest of the community or public safety. We believe that this bill will not negatively affect jail population or needlessly hold defendants in jail that should be released.**

**I would like to thank the members of this committee for allowing me the time to submit this testimony in support of House Bill 2070.**

**Respectfully,  
Chris Fisher  
Kansas Bail Agents Association - Vice President**