

February 13, 2012

House Committee on Corrections and Juvenile Justice

Chair John Rubin; Vice-Chair Ramon Gonzalez; Ranking Minority Gail Finney

Kansas Statehouse

Re: HB 2070--In Opposition

Members of the Committee:

I am here today as a district judge assigned to a criminal case docket in the 10th Judicial District, Johnson County, Kansas. In Johnson County, key stakeholders have worked diligently over the last several years to improve our pretrial process. As a judge I am committed to ensuring at the pretrial stage that all options are considered when determining bond and protecting public safety. I feel it is crucial to the process that judges have the discretion to set appropriate security considering the facts of each case that comes before the court, and not be bound by preset limits.

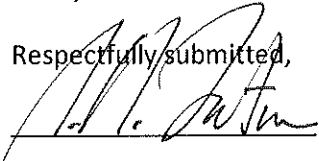
I am opposed to HB 2070 for the following reasons:

- It limits judges from having full discretion when determining bond decisions.
- Pretrial release decisions need to be based on proven risk factors and not a laundry list of case based criteria that do not necessarily predict risk of an individual defendant to appear for court or reoffend, which is practice grounded through years of criminal justice evidenced based research.
- It demonstrates an effort by the bond profession to protect their personal financial security. Guaranteeing financial security to the bond profession is not the role of the court. Even without HB 2070 in place, surety bonds were ordered in the 10th Judicial District in 2012 in an amount of \$19.34 million.

In addition, Johnson County is a designated Justice Reinvestment Initiative (JRI) site through the Department of Justice and we have just completed an exhaustive analysis of our local jail population. Our jail population currently stands at around 70% as pre-conviction status. Data also tells us that higher financial bonds result in longer jail stays. It is crucial that judges continue to maintain discretion in order to base their decisions on the results of effective pre-trial screening and to not be tied to statutory requirements to order financial bonding.

It is the role of the court to determine pretrial release decisions and to provide the needed balance at this juncture of the judicial system in balancing the rights of the unconvicted while protecting public safety. For this reason I enter opposition to HB 2070 by the judges of the 10th Judicial District.

Respectfully submitted,



Judge Stephen R. Tatum , Division #5

10th Judicial District, State of Kansas