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Reject burdensome limits on pretrial release

BRADENTON HERALD EDITORIAL | Legislation benefits only the bail bond industry

The bail bond industry is again trying to dismantle pretrial release programs in the 28 Florida counties that allow certain defendants to get out of jail without paying for a bond. This is a money grab by a powerful special interest that sees profits lost from those who walk out of jail for free.

As we opined last year when similar legislation came up, the issue boils down to whether lawmakers will serve society or this special interest.

Manatee County's program allows indigent suspects jailed on charges in nonviolent crimes to be released under supervision. Only those with nearly spotless arrest records qualify.

The key difference between a bonded suspect and a pretrial release defendant is vital to public safety. Bail bond companies do not supervise their clients, bondsmen only guarantee defendants will appear at trial. Those clients are free to intimidate victims, tamper with witnesses, carry weapons and roam freely.

County pretrial programs ensure greater protection of the public by setting specific conditions for release. Those include bans on contacting victims and witnesses; weapons; pornography, computer use and out-of-county travel. Other requirements include a curfew, drug and alcohol testing, and such supervision techniques as electronic, GPS and house arrest monitoring.

Which of these two systems works best for public safety? Since the answer is obvious, we wonder why this legislation gains traction year after year.

This year, both House and Senate bills stalled, so sponsors tacked the measures onto other bills as amendments -- performing an end run for the bail bond industry.

The amendment on SB 1398 requires poor defendants to file written affidavits of indigence proving income is not above 300 percent of federal poverty guidelines. That paperwork duty will likely fall on public defenders, already overworked and underpaid.

While that tough provision only applies to counties with populations over 350,000, the other language pertains to all.

One such stipulation will clearly line the pockets of bail bond companies. In lieu of placing a defendant into a pretrial release program, counties may reimburse a surety agent "for the premium costs of a surety bail bond that secures the appearance of an indigent defendant at all court proceeding."

Why would counties pay for a bond using taxpayer money? To free up cells and avoid jail overcrowding at the potential cost of an inmate lawsuit and court sanctions.

Another bad provision allows defendants otherwise ineligible for pretrial release programs to become eligible 48 hours after their arrest. That will surely strain jails forced to incarcerate defendants for two days -- and increase costs to taxpayers for their housing, food and health care.

Throughout this amendment, the phrase "government-funded" often precedes another phrase, "pretrial

release," as if to make the case this measure will spare taxpayers the cost of this valuable program. Don't swallow that red herring.

In a letter this week to every member of Manatee County's legislative delegation, county Administrator Ed Hunzeker argues against passage of this poison pill legislation.

He warns that the county jail regularly operates at prisoner capacity and the amendments would add more than 1,000 detainees annually -- forcing the county to add jail space at a cost of several million dollars. Likewise, Sheriff Brad Steube fears this outcome.

Imagine detainees waiting 60 days behind bars for their trials. Supervised release costs a small fraction of the bill for jail.

The system is not broken, and this legislation only fixes things in favor of the bail bond industry. Legislators should not fall prey to a powerful special interest. This legislation should be rejected.

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