

## Bail bondsmen legislation likely to be revived in wake of Walker veto

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Gov. Scott Walker's veto of a state budget provision that would have authorized for-profit bail bondsmen to operate in Wisconsin may not be the last word on the contentious issue.

Legislators who support the issue said they will bring the proposal back to the Legislature for further discussion and action this fall.

"There's no doubt we will," said Rep. Robin Vos, R-Burlington, a co-chairman of the Joint Finance Committee who was responsible for getting the provision included in the budget bill.

Bail bond companies are state-regulated for-profit entities that post bail for criminal defendants for a fee. The proposal in the budget would have set the fee at 10 percent of a defendant's bail.

Proponents of the system say it offers defendants an alternative to relying on their own finances, family or friends to post bail.

The provision was met with objections from law enforcement and some judges, and many still believe the current system in Wisconsin works well at accomplishing its goals and private bail bondsmen are not needed. Wisconsin has not allowed bail bondsmen to operate in the state since 1979 and is one of four states that prohibit them.

"The system here in the state works," Winnebago County District Attorney Christian Gossett said. "We're controlling our population and our people that are on bond."

Walker this week said he was not taking a position on the issue, but instead vetoed the measure because it needed to be discussed more fully and there had to be time for plans to be put into place if it were to be implemented. The provision in the budget did not specify rules for bail bond companies, but called for the state Department of Regulation and Licensing to develop the rules under which the bail bond companies would operate.

"Although the commercial bail bonds industry works in many other states, there must be sufficient notice and planning to ensure that counties, courts and regulatory agencies are able to appropriately implement this provision to avoid implementation problems and misuse of the system," Walker said in veto message.

The primary purpose of bond is to ensure the defendant returns for future court appearances, and higher bonds are typically ordered when officials determine the defendant poses a flight risk.

Under the current system, a person charged with a crime has their bond set by a judge or court commissioner based primarily on the person's ability to pay, but also taking into consideration the charges the

defendant is facing, prior crimes, ties to community and protecting public safety. If a cash bond is set, defendants can pay it themselves, have friends and family pay or remain in custody.

Dennis Bartlett, executive director of the American Bail Coalition, said adding a bail bondsman system would not dramatically change how Wisconsin courts operate, but would offer court officials another option when it comes to setting bond.

“We would enter that niche and allow the defendant to use our services rather than having the defendant have to rely on their own means,” Bartlett said.

Defendants who would use a private bail bond company would pay 10 percent of the bond amount set by a court as assurance that they will appear for future court dates. If they failed to appear, the bail bond company would be required to pay the full bond amount unless it can locate the defendant and bring them to court.

Bartlett said instances of abuse by agents attempting to retrieve people who flee while on bail is fairly low and agents often work with local law enforcement when apprehending defendants who have not shown up in court.

“Nobody goes after a skip unless they know where that person is and more than likely they will contact law enforcement and ask for back up or let the agency do the apprehension themselves,” Bartlett said. “If you have people who skip, you have fugitives. Fugitives commit crimes and they can’t get jobs. The more fugitives you have on the street, the more problems you have.”

Winnebago County Court Commissioner David Keck, a former public defender who this year was appointed Winnebago County Court Commissioner said he hasn’t noted a problem with defendants being able to post bond.

Bonds in Winnebago County and the rest of the state typically are not high, but Keck said that could change if a bail bondsman system is put in place.

“The ability of the defendant to post is something the court is supposed to consider anyway,” Keck said.

Gossett said introducing bail bondsmen into the system could lead court officials to order larger bonds because defendants would only need to put up a percentage of the total bail.

“The reality is, if you have bail bondsmen, the defendant ends up posting a percentage of what the bond is and what ends up happening is the courts make adjustments, either advertently or inadvertently,” Gossett said.