



Senate Bill 10

California Money Bail Reform Act of 2017

As Amended March 27th, 2017

SUMMARY

SB 10 would reform California's money bail system and replace the current pretrial process that often forces people of modest means accused of minor crimes to remain in jail until a court can determine their innocence or guilt while the wealthy go free.

ISSUE

On any given day, 63 percent or roughly 46,000 Californians are awaiting trial or sentencing in a county jail, simply because they cannot afford to post bail. For people who can't pay, their lives are turned upside down, waiting in jail for weeks or months before their case goes to court even when the charge is minor. The result is devastating for the individuals, who can end up losing their jobs, their homes and almost anything of value, and creates great turmoil and difficulty for their families. Many people charged with minor crimes who are unable to pay bail, but believe they are innocent, decide to plead guilty simply to get out of jail, keep their jobs and return to their families.

While some individuals are considered too dangerous to release and should be held in custody for those reasons, many are not a threat to public safety and could be released, monitored and reminded when to return for court hearings. The current bail system not only disproportionately affects the poor, but it also costs counties. It currently costs counties holding inmates awaiting trial over \$100 per inmate per day, according to the Board of State and Community Corrections. The Pretrial Justice Institute reports that the cost of supervising a defendant in the community is about 10 percent of the cost of keeping him or her in jail.

SB 10 (Hertzberg)

This bill safely reduces the number of people being held in jail awaiting trial. It ensures that those who are not a threat to public safety or at risk of fleeing are not held simply for their inability to afford bail.

The bill would require, except when a person is arrested for specified violent felonies, that a pretrial services agency conduct a risk assessment and prepare a report that makes recommendations on conditions of release for the person pretrial.

If the court determines that pretrial release, with or without nonfinancial conditions, will not reasonably assure the appearance of the person in court as required, the bill would require the court to set monetary bail at the least restrictive level necessary to assure the appearance of the defendant in court as required. The bill would authorize, if the court has set monetary bail, the



person to execute an unsecured bond, execute a secured bond, or deposit a percentage of the sum in the order setting monetary bail.

The court may detain a person under certain conditions and authorizes a prosecuting attorney to file a motion seeking the pretrial detention of a person in certain circumstances, including when the person has been charged with a capital crime and the prosecuting attorney alleges that the facts are evident or the presumption great.

The bill also creates standards for training and for cost-effective and validated assessment tools.

SUPPORT

American Civil Liberties Union of California (co-sponsor)
Anti-Recidivism Coalition (co-sponsor)
California Public Defenders Association (co-sponsor)
Californians for Safety and Justice (co-sponsor)
Ella Baker Center for Human Rights (co-sponsor)
Essie Justice Group (co-sponsor)
SEIU California (co-sponsor)
Silicon Valley De-Bug (co-sponsor)
Western Center on Law and Poverty (co-sponsor)
9 to 5 Working Women
All Saints Church Pasadena
American Academy of Pediatrics
American Friends Service Committee
Asian Law Alliance
Bend the Arc: A Jewish Partnership for Justice
Black Women for Wellness
California Catholic Conference, Inc.
California Latinas for Reproductive Justice
California Coalition for Mental Health
California Women's Law Center
California Youth Empowerment Network (CAYEN)
Center on Juvenile and Criminal Justice
Children's Defense Fund-California
Coalition for Humane Immigrant Rights (CHIRLA)
Community Oriented Correctional Health Services
Contra Costa County Defenders Association
County of Sonoma Law Office of the Public Defender
Courage Campaign
Democratic Party of Contra Costa County
Drug Policy Alliance

Staff contact: Diane Griffiths: 916-651-4018 or diane.griffiths@sen.ca.gov.



Friends Committee on Legislation of California
Human Impact Partners
Hunger Action Los Angeles
John Burton Advocates for Youth
McElfresh Law, Inc.
Mental Health America of California
Napa County Public Defender
Oakland Privacy
Pangea Legal Services
Peace United Church of Christ
People's Life Fund
Public Defender Contra Costa County
Root & Rebound: Reentry Advocates
Rubicon Programs
San Francisco Public Defender
San Francisco Senior & Disability Action
San Jose/ Silicon Valley NAACP
Steinberg Institute
Solano County Office of the Public Defender
Strike Debt Bay Area
Temple Beth El Jewish Community Center
The Financial Justice Project San Francisco
United Domestic Workers of America – AFSCME Local 3930 / AFL-CIO
United Food and Commercial Workers (UFCW) Western States Council
Voices for Progress Education Fund
W. Haywood Burns Institute
Western Regional Advocacy Project
Women's Foundation of California
Youth for Environmental Sanity (YES!)