

The Just Criminal Justice Group, LLC



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TESTIMONY IN SUPPORT OF 2026—H 7203

- The legislation is meant to curtail the use of monetary conditions of bail in misdemeanor cases. It does so by strengthening the presumption of release on personal recognizance already in *RIGL § 12-13-1.3. Pretrial release* and the *Bail Guidelines*, promulgated by the RI Supreme Court in 1986.
- The presumption of release on personal recognizance in the legislation can also be found in other sections of the statute that the legislation would amend as well as the *Bail Guidelines*, court rules promulgated by the RI Supreme Court in 1986.
- The legislation appears to be inspired by the realization that: 1) the unique hardships that monetary conditions of bail have been proven to visit upon the indigent and 2) reliance upon evidence based “best practices” for assessing and reducing risk while also taking into consideration the likelihood of the defendant appearing in court if released not only makes perfect sense but is consistent with Rhode Island law, court rules, decisions of the Rhode Island Supreme Court, and current practices.
- The legislation also strikes the requisite balance between public safety and the presumption of innocence because it applies only to misdemeanor and not felony cases.
- Rhode Island last considered bail reform in a similar context in 2008 when it amended *§ 12-13-10. Deposit of money in lieu of bail* by adding the following language:

Consistent with Article 1, § 9 of the Rhode Island Constitution, the giving of surety, or in the alternative the deposit with the court of ten percent (10%) of the amount of bail set, shall be the sole monetary conditions of the release on bail, except as set forth herein. No court shall require the deposit of cash as the sole monetary condition of the release on bail, except in those cases where the defendant owes court-imposed restitution.
(emphasis added)

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