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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 7651

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender **supports** the passage of House Bill 7651, which reiterates that those accused of violating their probationary terms with minor infractions should not be needlessly detained, while still taking into account the importance of maintaining a safe community.

While the current law allows judges to set bail for alleged probationary violators, the proposed language stresses that there is a presumption of bail when a defendant is accused of violating *via* a low-level controlled substance charge or a “technical” violation (an accusation that the defendant has not kept all of the conditions of probation but has not committed a new offense). These situations are particularly ripe for bail, for even a short detention of two to four weeks can lead to outsized consequences for minor “trip-ups” that often accompany the path to rehabilitation. Specifically, these short detentions offer little in the way of rehabilitation, but in the meantime, jobs are lost, children and pets are left without care, and housing situations are compromised.

Importantly, this bill still allows judges to detain alleged violators who “present[] a threat to the community or themselves or if no non-monetary conditions or combination of conditions in the community will reasonably assure the defendant’s appearance at the probation violation hearing.” This carve-out allows the judges to exercise their discretion to detain an individual when the specific circumstances require it.

While our office could provide further testimony regarding the necessity of the bill, we defer to the advocates who are actively promoting it, as they possess firsthand experience with the detrimental effects of our flawed probation violation system. We urge the committee to attentively listen to their stories, recognizing their lived experiences as invaluable insights. We remain available to the sponsor and committee for further discussions.

Sincerely,

Angela M. Yingling
Legislative Liaison

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