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ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 26-S 2161, RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION March 10, 2026

The ACLU of Rhode Island strongly supports this bill, which would require the court to set reasonable bail for those individuals who appear before it as probation violators, and would establish a presumption of release in many circumstances and authorize detention of an alleged violator only when necessary. We believe that this statutory change to address bail procedures is critical in confronting a wealth-based incarceration and criminal justice system.

For individuals who are lower income, the burden of cash bail is often something that they are unable to overcome, even when the amount may seem relatively small. Without an immediate cash flow, or without the use of predatory for-profit bail businesses, they are oftentimes forced to stay in jail until their case is heard, while wealthier individuals who can post bail are permitted to go home while awaiting their hearings.

The effects of this can be devastating. Even a stay of just a few days in jail can lead to a person's loss of their job, missed payments and other life disruptions that can be very hard to undo, no matter the outcome of the criminal charges. It can force a person to plead to a crime that they are not guilty of, or it can make it harder for them to prepare a defense. For someone before the court on a minor probation violation, often unrelated to any criminal activity and based instead on technical offenses, the imposition of a burdensome bail amount is especially unfair and can inhibit their rehabilitation and community reintegration even further. The list of direct and collateral consequences goes on and on.

At least a dozen other states have taken action in recent years towards reforming their monetary bail systems. For these reasons, the ACLU supports the adoption of legislation that strongly limits the use of bail in the circumstances addressed by this bill. We believe that its passage would represent an important step towards redressing a justice system that favors the wealthy and further criminalizes the indigent.

Thank you for your consideration of our views.