



Senate Bill 2161

“Bail on 32”

In the Senate Judiciary Committee

Committee Hearing on March 10, 2026

Position: FAVORABLE

As Legislative Manager for REFORM Alliance, I write on behalf of my organization in support of Senate Bill 2161 (“Bail on 32”). REFORM Alliance is dedicated to transforming probation and parole systems across the United States by advancing evidence-based supervision policies that reduce recidivism, promote rehabilitation, and protect public safety. To date, we have passed 22 bipartisan bills in 12 states, creating pathways for more than 850,000 people to exit the system.

As of 2022, Rhode Island had the 3rd highest probation rate in the country, disproportionately impacting marginalized communities and perpetuating a cycle of incarceration.¹ Under Superior Court Rule 32F, individuals can be detained for extended periods without clear eligibility for bail – *even in cases involving non-criminal technical violations*.² In 2024 alone, 66% of individuals were denied bail, regardless of the violation of probation.³ Senate Bill 2161 establishes a presumption of release for individuals accused of non-criminal violations of probation or when the offense involves low-level substance use. It requires courts to set reasonable bail and prioritize non-monetary conditions of release, allowing detention only when a person poses a threat to themselves or the community or when no combination of non-monetary conditions can reasonably ensure their appearance at a probation violation hearing. The court must assess the totality of the circumstances, including personal and case-specific factors, and is required to clearly state its reasons, either in writing or on the record, when denying release, thereby promoting fairness, transparency, and proportionality in probation violation proceedings. Moreover, if an individual is denied bail, the probation violation hearing must take place within 10 business days of detention, ensuring there is no prolonged separation from family, supportive services, and employment.

Across the country, there is a growing consensus that incarceration for probation violations should be used sparingly and only when necessary. States have increasingly adopted reforms that emphasize structured, proportional responses over automatic detention for violations that do not threaten public safety. Many jurisdictions now recognize the importance of allowing individuals to remain in the community pending adjudication of an alleged violation, through bail, recognizance, or supervised alternatives. This approach ensures that detention is reserved for individuals who pose a genuine risk to public safety or are likely to flee, rather than punishing alleged non-criminal infractions before a court has determined whether a violation has occurred.

¹ [Rhode Island Criminal Justice Data Snapshot](#)

² [Rule 32 - Sentence and Judgment, R.I. Super. Ct. R. Crim. P. 32](#)

³ [Bail on 32 - DARE](#)

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- Michigan Compiled Laws § 771.4b includes a statutory rebuttable presumption that a court shall not issue a warrant for arrest for a technical probation violation and instead shall issue a summons or order to show cause — unless specific safety or compliance exceptions apply.
- Under N.C. Gen. Stat. § 15A-1345, an individual arrested for a probation violation must be taken without unnecessary delay before a judicial official to have conditions of release pending a revocation hearing set — similar to regular bail procedures.⁴ Most notably, if the individual has certain aggravating factors (e.g., pending felony charge or sex-offender registration history), the judicial official must make and record a written danger finding before imposing release conditions or detaining.
- In Vt. Stat. tit. 28 § 301, an individual on nonviolent misdemeanor or nonviolent felony supervision shall be released pending violation proceedings so long as bail or conditions of release reasonably assure the person’s future court appearance and the safety of the public, reflecting a clear statutory presumption in favor of release rather than detention for alleged technical or nonviolent violations.⁵
- Under CrRLJ 7.6 (Washington Court Rules), if an individual is arrested for an alleged probation violation, the court is required to release them within 24 hours or set a hearing on the next judicial day to set release conditions (including bail). It also requires that a probation violation hearing be set within two weeks if the person is held for the violation. If the hearing is not set for a date within two weeks of arrest, the defendant shall be released pending the hearing.⁶

Allowing for bail or personal recognizance when a violation is levied helps keep individuals in their communities and supports rehabilitation by allowing individuals to remain with their families, keep their jobs, and contribute to their communities. The prolonged detention for alleged violations of probation, especially technical violations, can be detrimental to public safety. This occurs when parents lose employment and housing, are distanced from necessary treatment and community services, and are separated from vital social support within their families and communities. Such disruptions not only negatively impact the families directly involved but also the broader community that relies on a consistent workforce for its operational needs. Employment serves as one of the strongest indicators in reducing recidivism rates.⁷ When we needlessly take individuals out of their community, we interrupt the stabilizing factors that support lawful behavior and personal growth. Moreover, removing individuals from their homes also elevates their risk of homelessness and housing instability upon release. Housing instability, in turn, can increase recidivism. A study published in 2020 found that being homeless

⁴ [G.S. 15A-1345](#)

⁵ [28 V.S.A. § 301](#).

⁶ [CrRLJ 7.6](#)

⁷ See, e.g., Kevin Schnepel, “Do post-prison job opportunities reduce recidivism?”, IZA World of Labor, November 2017, pp. 1-8. <https://wol.iza.org/uploads/articles/399/pdfs/do-post-prison-job-opportunities-reduce-recidivism.pdf>; Anke Ramakers et al., “Not Just Any Job Will Do: A Study on Employment Characteristics and Recidivism Risks After Release,” *International Journal of Offender Therapy and Comparative Criminology* 61:16 (2017), pp. 1809-12. <https://journals.sagepub.com/doi/pdf/10.1177/0306624X16636141>

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increased the risk of recidivism (defined as a rearrest for a new offense or a supervision revocation) by nearly 50 percent and each residential transition increased the risk of recidivism by 12 percent.⁸

By incorporating a presumption of bail and a comprehensive assessment of individual circumstances, SB 2161 aligns with practices in other jurisdictions and promotes fairness within Rhode Island's criminal justice system. The potential benefits of SB 2161 extend beyond the individuals directly affected, positively impacting families, communities, and the overall well-being of the state.

I urge the committee to vote YES on SB 2161 as a step toward a more just and equitable supervision system.

Sincerely,

Sha Sanders

Shá Sanders
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⁸ Jacobs, Leah A. and Aaron Gottlieb. "The effect of housing circumstances on recidivism: Evidence from a sample of people on probation in San Francisco." *Criminal Justice and Behavior* 47.9 (2020): 1097-1115.
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8496894/>.