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Advocates Vow to Double Down on Efforts to Reform California's Money Bail System

One of two California bail reform measures (SB 10) advances despite lobbying campaign by for-profit bail insurance industry; second measure (AB 42) stalls under industry pressure

SACRAMENTO—Last night, the California Assembly failed to approve AB 42 (Bonta), a bill to reform California's money bail system, after continued pressure from the for-profit bail industry. The defeat came on the heels of the Senate's bipartisan approval of an identical measure, SB 10 (Hertzberg). SB 10, which now heads to the Assembly for consideration, will help ensure Californians do not sit in jail before trial simply because they cannot afford to pay bail.

“Although the Assembly refused to put people before profits today, we are committed to work twice as hard to ensure representatives don't make the same mistake with SB 10,” **said Bikila Ochoa, Policy Director with The Anti-Recidivism Coalition.** “We will be relentless in our pursuit of justice and equal treatment for all California families.”

As with SB 10, AB 42 would have decreased the state's over reliance on money bail and prioritized services to help people make their court appearances. The legislation built upon common-sense solutions adopted in other localities that have significantly reduced their use of commercial bail, such as Kentucky, Washington, D.C. and Santa Clara, California.

The bail bonds industry portrays itself as small, “mom and pop” businesses. In reality, multinational insurance corporations dominate the industry, underwriting each bond. A [recent report](#) revealed that bail insurance corporations are increasingly held as under-the-radar subsidiaries of large multinational companies. One such company, Tokio Marine, hired a Sacramento lobbyist this year for the first time to thwart reform efforts and protect their bottom lines.

“Today, California Assemblymembers turned their backs on constituents, public safety, and justice,” said **Natasha Minsker, Director OF the ACLU of California Center for Advocacy and Policy.** “It's shameful that, instead of listening to the thousands of people that emailed and called urging members to support bail reform, the Assembly decided that special interests – like Tokio Marine, the largest bail insurer in the world – mattered more.”

Under the current money bail system, California jails thousands of low-income people who have not been convicted simply because they cannot afford to pay bail. Over 60 percent of people in California jails are there awaiting trial or sentencing, costing taxpayers millions. Many of them remain in jail for weeks, months, and sometimes years while their cases move forward -- or plead guilty to a crime they may not have committed in order to be released sooner, return to their families, and avoid being subjected to

violence and poor conditions in California jails. Meanwhile, wealthy defendants are able to pay bail on their own and buy their freedom with ease.

"The pain, hardship, stress and emotional toll my family went through was one of the worst experiences of my life," said **Ato Walker, Community Organizer with Silicon Valley De-Bug**, who was arrested and had bail set at \$85,000. His mother signed a contract with a for-profit bail agency to get him released while he fought the charges. The charges were eventually dropped, but the \$8,500 his mother paid the bail agency were gone for good. For-profit bail agencies charge a non-refundable 10 percent fee based on someone's total bail amount. Defendants and their families are on the hook to pay that money even if a court finds the defendant innocent or the District Attorney drops the charges against them.

State lawmakers carefully designed SB 10 and AB 42 in large part based on the successes of other jurisdictions to reform California's pretrial system. Kentucky, for example, releases about 70 percent of people awaiting the resolution of their cases; 90 percent of them make all their future court appearances and 92 percent stay arrest-free while they wait for their cases to move forward. In contrast, the rate at which people return to court after release in California is lower than in the rest of the country.

The California Money Bail Reform Act is sponsored by the American Civil Liberties Union of California, the Anti-Recidivism Coalition, Californians for Safety and Justice, the Ella Baker Center for Human Rights, Essie Justice Group, the California Public Defenders Association, Silicon Valley De-Bug, SEIU California, and the Western Center on Law and Poverty.

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