



ISSUE ALERT

To: Colorado ALEC Member
From: Alan Smith, Executive Director
Re: Colorado House Bill 1382
Date: April 8, 2008

The American Legislative Exchange Council (ALEC) opposes Colorado House Bill 1382. This legislation establishes a government administered pre-trial release program to release defendants from jail. This bill will decrease public safety by relying on a less efficient government agency to release, monitor, and bring defendants to court.

Currently in Colorado the commercial bail bonding industry handles pre-trial release of criminals at no cost to taxpayers. This system has proven to work well. In fact, recent studies have shown the commercial bail bond industry has a 97-98 percent success rate of getting defendants to reappear in court. The system also works well for defendants who are only required to pay a small portion of the bond in order to secure their release.

However, government administered pre-trial release programs, in which no one has to pay the same penalty as the commercial bail bond industry for defendants who fail to reappear in court, are proven failures. In fact, 10 percent of defendants under government supervision simply disappear as compared to 3 percent of those released on private bail bonds. In fact everyday murders and thousands of lesser crimes are committed by criminals under government supervision. The reason for this failure is simple; the government does not have the same financial incentive that the private-sector has to ensure defendants reappear in court. The result of this legislation will be more criminals on the streets and decreased public safety.

Furthermore, this legislation will not only require increasing the size of government to run the pre-trial release program, but it will also deprive the state of funds. Currently, when defendants fail to appear in court the commercial bail bond industry must pay a fine, but under House Bill 1382 the government-run pretrial release program would not be required to pay that fine. Thus this program will not only cost money, but it will also decrease the state's revenues.

Colorado lawmakers should reject this legislation because it needlessly wastes money and, at the same time, decreases public safety. There is no good reason to replace a well-functioning system, which costs taxpayers nothing, with a government administered pre-trial release program that is a proven failure.

It is with these guiding principles relating to public safety and protecting taxpayers that **ALEC opposes HB 1382.**