

SUBCOMMITTEE RECOMMENDATION

Judicial Department Pretrial Release Report

To: Ways and Means Full Committee
From: Public Safety Subcommittee
Carrier: Senator Gorsek

On February 9, the Public Safety Subcommittee recommended acknowledging receipt of a report from the Judicial Department on a pretrial release program and deferring consideration of a budget request until later in the 2022 legislative session.

The genesis of the report was the Legislature’s desire for more detailed information surrounding the implementation of SB 48 and the associated costs. SB 48 is a shift from minimum bail amounts and the reduced use of bail to a more consistent statewide risk-based criminal pretrial release process.

The report recommends a framework for pretrial release decisions that are defined by specific statutory crimes. Under a Chief Justice’s Order, a presiding circuit court judge may appoint a Release Assistance Officer, and may delegate release decisions to the Release Assistance Officer, who will interview in-custody defendants, research individual defendant circumstances, complete a risk assessment, contact crime victims, and make a recommendation as to whether a defendant should be released pending case resolution.

The Chief Justice is expected to adopt guidelines in the spring of this year (2022). Judicial release decisions under SB 48 would begin on July 1, 2022.

The report provides two options for adding Release Assistance Officers in 17 counties that currently do not have any pretrial release staffing and supplementing staffing in two other counties. The cost varies from \$2.5 million General Fund and 27 positions to \$3.9 million General Fund and 40 positions. The 2023-25 cost is estimated to be between \$5 million and \$7.4 million General Fund.

The Public Safety Subcommittee recommends approval.