



California Money Bail Reform Act – SB 10 (Hertzberg), AB 42 (Bonta)

What will this legislation do?

The California Money Bail Reform Act of 2017 (SB 10 – Hertzberg, AB 42 – Bonta) will reform California’s money bail system so that no one is kept in jail while awaiting trial simply because they cannot afford to post bail; the legislation will serve public safety by ensuring that judges have the information they need to determine who can be released while they await trial and what the conditions of release should be.

Why do we need this legislation?

All too often in California, people who have been arrested but not convicted of a crime are locked in jail for weeks, months, or even years while awaiting the resolution of their case. Many would be able to return home, *if they could afford a bail bond.*

Under the current money bail system, the rich are rewarded and everyone else is punished. Jails are crowded with people who are presumed innocent – destroying families, undermining whole communities, and wasting tax dollars.

Even short stays in jail can cause people to lose their jobs, cars, homes, and even custody of their children. This harsh punishment is inflicted on people who are presumed innocent. They have not been convicted of a crime. *In California, one-third of felony cases do not result in convictions.*

Numerous studies from across the country have found that, compared to white people, Black and Latino people are more likely to have bail set and be assigned higher bail amounts; yet they are less likely to be able to afford bail. Overall, Black and Latino people are twice as likely to be detained while awaiting trial as white people.

Solution:

The California Money Bail Reform Act of 2017 (SB 10 and AB 42) seeks to reform the money bail system to make it more just and to make communities safer. This legislation intends to significantly reduce the use of money bail and to increase the number of people who are able to safely return home after arrest. It does this by:

1. Moving to a system where community safety, not wealth, is the basis for determining pretrial release.
2. Building a system that looks beyond a person’s income or the color of their skin to determine whether they can return home while they await trial.
3. Providing people with pretrial services to help them get back to court and comply with court-ordered conditions of release.

Among other protections, the legislation regulates the use of risk assessment tools to make sure that they do not exacerbate racial disparities in the justice system; ensures that people are afforded their constitutional rights; and creates a more transparent system where individuals and communities can hold state and local decision-makers accountable.

SB 10 & AB 42 are co-sponsored by:

