



Legislation Summary:

An Act reforming pretrial process

Initial bill number: [S834/H3120](#) (Bill numbers will change as legislation proceeds.)

Sponsors: The late Sen. Ken Donnelly, Rep. David M. Rogers

This bill expands services and programs available to individuals before trial to minimize the number of those held in custody. It creates a risk assessment tool for determining bail and available services to allow more people to await trial outside of custody.

Why this is good: About one quarter of those incarcerated in the state are being held before trial, and [this number has grown](#), despite a fall in the crime rate. If we had better data and risk assessment, more individuals could be released to programs instead of being assessed cash bail. This would be especially good for individuals needing support services such as mental health treatment, substance abuse treatment or housing assistance. [Several states](#) have moved away from [cash bail](#) before [pretrial release](#).

Bottom Line: The purpose of bail is to make sure that people show up for trial. Most individuals do turn up for their trials, especially if they are given reminders (like phone calls or postcards) or if they are provided the support they need to take care of any issues they may have. Our current system has two-tiers: indigent people are held pretrial and those with means are released. This is a drain on the resources of the Commonwealth, and is costly for the people held in jail who cannot go to work or school, take care of their families, pay their bills, attend job training, go to substance abuse or mental health programs, and thus may end up losing their jobs, their housing or even custody of their children.