

# OFFICE OF THE PUBLIC DEFENDER

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April 1, 2025

## TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

**House Bill No. 6041**

**ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE – SENTENCE AND EXECUTION.**

Chairman Craven and Members of the House Judiciary Committee:

The Office of the Public Defender supports HB6041, which is a critical piece of legislation that strikes an appropriate balance between public safety and the presumption of innocence. The proposed bill would require that reasonable bail be set when a person comes before the court as an alleged probation violator, unless that person is alleged to have committed a crime of violence, in which case the court would examine a list of relevant factors in determining whether to release the individual. The legislation would align with our state law and rules regarding bail and the presumption of release and would mitigate the disruption that even short periods of detention can cause to people's lives, such as loss of employment and housing.

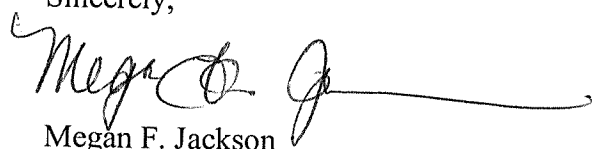
While we wholeheartedly embrace the purpose and intent of the legislation, we suggest that an amendment be made to avoid consequences that are clearly not intended by the sponsors. We are concerned that this bill strikes out language in section (a) that mandates that a person cannot be held for more than ten (10) days without bail or a hearing. While we recognize that the judiciary has not enforced this provision and routinely holds individuals for far longer than those ten (10) days, we are concerned with removing the language altogether.

To remedy this, we would recommend including the following language into subsection (b):

"...provided, in the event that the alleged probation violator was held without bail pursuant to this section, the hearing shall take place within ten (10) days not including holidays, Saturdays, or Sundays, unless waived by the alleged probation violator. ..."

While our office could provide further testimony regarding the necessity of the bill, we defer to the advocates who are actively promoting it, as they possess firsthand experience with the detrimental effects of our flawed probation violation system. We urge the committee to attentively listen to their stories, recognizing their lived experiences as invaluable insights. We remain available to the sponsor and committee for further discussions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Megan F. Jackson', followed by a long horizontal flourish.

Megan F. Jackson

Legislative Liaison

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