



House Bill 6041

“Bail on 32”

In the House Judiciary Committee

Committee Hearing on April 1st, 2025

Position: FAVORABLE

As Legislative Manager for REFORM Alliance, I write on behalf of my organization in support of House Bill 6041 (“Bail on 32”). REFORM Alliance is dedicated to transforming probation and parole systems across the United States by advancing evidence-based supervision policies that reduce recidivism, promote rehabilitation, and protect public safety. To date, we have passed 18 bipartisan bills in 11 states, creating pathways for more than 850,000 people to exit the system.

As of 2022, Rhode Island had the 3rd highest probation rate in the country, disproportionately impacting marginalized communities and perpetuating a cycle of incarceration.¹ Under Superior Court Rule 32F, individuals can be detained for extended periods without clear eligibility for bail – *even in cases involving non-criminal technical violations*.² In 2024 alone, 66% of individuals were denied bail, regardless of the violation of probation.³ House Bill 6041 seeks to enhance public safety imperatives by elevating due process and establishing a presumption of bail for individuals accused of probation violations who do not pose a public safety threat. This legislation mandates a comprehensive assessment of an individual’s circumstances, including, but not limited to, the specific accusation, age, probation history, and criminal record. In short, HB 6041 preserves the court’s ability to hold people accountable while protecting public safety.

Numerous jurisdictions permit bail or personal recognizance for individuals accused of supervision violations. In 2021, New York enacted S1144A, a significant legislative measure that enhances due process for those accused of supervision violations.⁴ This law mandates a recognizance hearing and a comprehensive evaluation, incorporating provisions similar to those in HB 6041. New York law establishes a presumption of release on recognizance with the least restrictive, non-monetary conditions necessary to ensure an individual's appearance at the violation hearing. Likewise, Massachusetts requires judges to take into account a comprehensive assessment, that includes risk to public safety, when deciding whether to grant an individual bail or personal recognizance pending a violation hearing.⁵

Allowing for bail or personal recognizance when a violation is levied helps keep individuals in their communities and supports rehabilitation by allowing individuals to remain with their families, keep their jobs, and contribute to their communities. The prolonged detention for alleged violations of probation, especially technical violations, can be detrimental to public safety. This occurs when parents lose

¹ [Rhode Island Criminal Justice Data Snapshot](#)

² [Rule 32 - Sentence and Judgment., R.I. Super. Ct. R. Crim. P. 32](#)

³ [Bail on 32 - DARE](#)

⁴ [S1144A \(2021\)](#)

⁵ [Superior Court Guidelines for Probation Violation Proceedings | Mass.gov](#)

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employment and housing, are distanced from necessary treatment and community services, and are separated from vital social support within their families and communities. Such disruptions not only negatively impact the families directly involved but also the broader community that relies on a consistent workforce for its operational needs. Moreover, removing individuals from their homes also elevates their risk of homelessness and housing instability upon release. Housing instability, in turn, can increase recidivism. A study published in 2020 found that being homeless increased the risk of recidivism (defined as a rearrest for a new offense or a supervision revocation) by nearly 50 percent and each residential transition increased the risk of recidivism by 12 percent.⁶ The authors found that the increase in recidivism due to unstable housing was most pronounced in the low-risk population.⁷ This suggests that housing can be a determinative factor in recidivism rates for low-risk populations, making the difference between struggling with intermittent incarceration *or* stable rehabilitation.

By incorporating a presumption of bail and a comprehensive assessment of individual circumstances, HB 6041 aligns with practices in other jurisdictions and promotes fairness within Rhode Island's criminal justice system. The potential benefits of HB 6041 extend beyond the individuals directly affected, positively impacting families, communities, and the overall well-being of the state.

I urge the committee to vote YES on HB 6041 as a step toward a more just and equitable supervision system.

/s/

Shá Sanders
REFORM Alliance
Legislative Manager

⁶ Jacobs, Leah A. and Aaron Gottlieb. "The effect of housing circumstances on recidivism: Evidence from a sample of people on probation in San Francisco." *Criminal Justice and Behavior* 47.9 (2020): 1097-1115.
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8496894/>.

⁷ Ibid.