



WISCONSIN CATHOLIC CONFERENCE

June 25, 2013

Governor Scott Walker
Office of the Governor
115 East State Capitol
Madison, WI 53702

Re: Commercial bail bonding

Governor Walker:

The Wisconsin Catholic Conference requests that you veto the Joint Finance Committee (JFC) budget provision permitting commercial bail bonding.

Catholic teaching holds that all public policies must exercise an option for the poor and vulnerable. As the Wisconsin bishops wrote in 1999, "Criminal justice policies . . . must ensure that justice is as accessible to victims and offenders who are poor as it is to those who are more affluent." (*Public Safety, the Common Good, and the Church: A Catholic Discussion Tool on Crime and Punishment in Wisconsin*, p. 6)

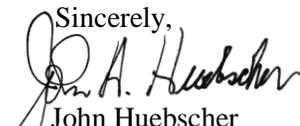
The bail bonding provision undermines this principle in several important respects.

Under current law, a defendant posts bail with the county clerk of courts and, if the defendant is convicted, the court can use some of the bail money to compensate the defendant's victims. Under the JFC provision, however, the defendant would give a commercial bail bondsman a non-refundable 10 percent of the bond and the bondsman in turn would give the county only 3 percent of the bond. Courts, therefore, would see available funding for the crime victim restitution fund greatly reduced. In short, this could have the unintended effect of transferring funds from victims to commercial bail bondsmen. If so, this would be unconscionable.

A second issue is that tying bail to a private business transaction will profit the bondsmen, while those of limited means who cannot afford the bond languish in jail awaiting trial. Our government should not enable some people to get rich at the expense of others' freedom.

Third, under our current system, defendants who are found innocent are entitled to a full refund of their bail. By contrast, the amount paid to the commercial bail bondsman can never be reclaimed. This imposes an added and completely unnecessary financial burden on the poorest members of our community. Because these defendants can only post cash, they must lose a portion of it, even if they are completely innocent.

Our current system has served Wisconsin well. We respectfully urge you to veto this provision, as you did last session.

Sincerely,

John Huebscher
Executive Director