

TESTIMONY OF MICHAEL KEBEDE, ESQ.

LD 2051 – Ought to Pass

An Act Regarding the Duties of Bail Commissioners

Joint Standing Committee on Criminal Justice and Public Safety

January 17, 2024

Senator Beebe-Center, Representative Salisbury and members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. My name is Michael Kebede, and I am Policy Counsel for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we urge you to support LD 2051.

If passed, LD 2051 would allow a county jail employee to complete the paperwork necessary to release a person who has been released on personal recognizance or on unsecured bail, preventing unnecessary detention of people who pose low or no risk to their communities. Personal recognizance bail is when a court or bail commissioner accepts the defendant's word, via a signed document, that they'll show up for their next court date. When unsecured bail is granted, a defendant is released and must only pay the court if they do not show up for court. In both cases, the court or bail commissioner decided that the defendant does not pose a risk and there is no need to collect money from them to ensure their appearance in court.

Right now, there is a discrepancy in Maine's bail laws: if a court finds that a person is so low risk as to qualify for unsecured bail (i.e., the defendant is not required to pay a single dollar in bail), jail personnel can fill out bail paperwork for free and the person can be released. However, if a bail commissioner makes the same determination, there's no way of waiving the \$60 bail commissioner fee and having jail personnel fill out the paperwork.

LD 2051 would fix this discrepancy, ensuring that bail commissioners need not work for free, and people who otherwise would be released from jail without being charged, do not have to wait to see a judge before this can happen.

Even one night in jail can derail a person's life. It can leave kids without a place to sleep or adult to take care of them. It can result in adults losing their job. It can mean missing doctors' appointments and derailing recovery processes. It's also a deprivation of liberty that should be permitted only in limited circumstances.

To avoid the unnecessary cost—both financial and social—of jailing people who do not pose any risk to their communities, we ask you vote *ought to pass*.