

Conditional Early Release Bond Act

Summary

This Act would create a means whereby a State can, after conviction, release a person. The Act would also establish how conditions on the release may be set and how the private sector may be used in determining whether or not those conditions are met.

Model Legislation

Section 1. {Title} This Act may be cited as the Conditional Post-Conviction Release Act.

Section 2. {Definitions} As used in this Act:

(A) "Releasing Authority" means any State official, State board, or State subordinate governmental unit having legal authority to release a prisoner onto probation, furlough or parole.

(B) "Principal" means any person to be released under this Act.

(C) "Surety" means any insurance company licensed under the laws of the state to execute bonds filed in criminal cases.

(D) "Bond" means the written undertaking delivered by the surety to the releasing authority and describing the terms and conditions of surety's duties.

(E) "Conditions" means such conditions as the releasing authority may impose as a prerequisite(s) to being on release from custody.

(F) "Breach" means any condition of release violated by the Principal.

(G) "Breach penalty" means the amount of money to be paid by the surety to the state upon the surety's failure to meet the requirements under this Act. The breach penalty shall be equal to the face amount of the bond. There can be two breach penalties: (1) An amount of money paid by the surety upon breach of a release condition and (2) An amount of money paid by the surety if the Principal is not back in custody within a given amount of time following breach of release condition.

(H) "Charge" means the amount of money the surety charges to write the bond. In no case shall the charges be less than ten percent of the aggregate penalty amounts which charge shall be fully earned when the bond is written.

(I) "Revocation of bond" means the use and effectiveness of the bond has ceased. The releasing authority may revoke the bond upon a breach or continue the bond by nullifying the breach. Or, the bond may be revoked at any time the releasing authority determines that the Principal is not attempting to abide by the conditions of the bond.

(J) "Mandatory conditions" mean those conditions the releasing authority must place upon the Principal as a condition(s) to early release.

Section 3. {Early release on bond.} Upon the decision of the releasing authority to return an inmate to society. The releasing authority may release a Principal by requiring the posting of an early release bond by a surety. The releasing authority may set conditions of release, which conditions shall be appended to and made a part of the bond. The conditions may, unless otherwise specified, be any of the following, but are not limited to these conditions and are to include any conditions imposed by the releasing authority:

(A) The Principal shall be drug/alcohol tested as specified.

(B) The Principal shall take part in specified recovery program(s).

(C) The Principal shall not contact, go about or communicate directly with any witness (es) involved in Principal's conviction.

(D) The Principal shall not contact, go about or communicate directly or indirectly with any victim(s) involved in Principal's conviction.

(E) The Principal shall obtain and keep employment.

(F) The Principal shall be on home arrest via at minimum Global Positioning Satellite (GPS) monitoring devices approved by the State.

(G) The Principal shall abide by specified travel restrictions.

(H) The Principal shall make all specified periodic restitution payments.

(I) The Principal shall pay specified fines and Court costs.

(J) The Principal shall perform specified community services.

(K) The Principal shall pursue specified education courses.

(L) The Principal shall obtain such education as specified.

(M) The Principal will participate in such family or third part involvement as specified.

(N) The Principal shall have, as a mandatory condition, that he or she pay the surety's charge.

(O) The Principal shall have, as a mandatory condition, that he or she personally report to the surety at such time and in such manner as directed by the releasing authority and the surety.

Section 4. {Terms of the bond}. The early release bond put up by the surety shall:

(A) be for a term of one year, and may be renewed annually;

(B) be in favor of and payable to the State; and

(C) be conditioned that the releasing authority shall:

(1) Give the surety written notice of any breach of condition within 5 calendar days of the breach.

(2) If within 180 calendar days from date of receipt of written notice by releasing authority that the Principal has failed to meet one or more of the conditions of Principal's early release, the Principal shall have been placed back into custody, whether by Surety or another, then the bond shall be exonerated.

Section 5. {Penalties paid by the surety} The surety shall pay penalties as follows:

(A) A breach penalty shall be paid upon breach of a condition by the Principal, and upon the Principal not being back in custody within the prescribed 180 days.

Section 6. {Surrender of Principal.} At any time after receiving a notice of breach by the Principal, the Surety may arrest the Principal and surrender him or her to the nearest county jail. If the Principal is surrendered within 180 calendar days of receipt of the notice of breach, the bond shall be exonerated.

Section 7. {Severability Clause}

Section 8. {Repealer Clause}

Section 9. {Effective date}

*Adopted by the Public Safety and Elections Task Force
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