



Frequently Asked Questions

Q1. Will Oklahoma SB 252 jeopardize public safety?

A1. That is simply not true. Not only will SB 252 help ensure that people are not locked up because they are too poor to post bail, the bills will actually make us and our communities safer.

The fact is that our current money bail system does not do a good job of protecting our communities. Under the current system, people's freedom is determined by their wealth, not by whether or not they can be released safely. Wealthy people can buy their freedom, no matter how much of a risk they pose. These bills will prioritize community safety.

Q2. But doesn't money bail provide an incentive for people to show up to court?

A2. Actually, Oklahoma's current money bail system is not very effective at getting people to come back to court for their hearings. When we remove the status quo we can begin to look at common sense solutions that are improving failure to appear rates, like [text message reminders](#) and [access to transportation](#).

Although some people think that posting bail is an incentive to make sure people come back to court, that's not the case. If you use a bail bond company to secure pretrial release, you never get that money back regardless of whether you return to court, the District Attorney dismisses the case, or a court ultimately finds you innocent. The incentive just isn't there.

Q3. How much are these bills going to cost?

A3. It is still unclear how much the bills will cost, but what we do know is that public safety, justice, and the wellbeing of our communities warrant the investment. Currently, people who can be safely released while their cases move forward are locked up in jail, and away from their jobs and families – at taxpayer expense – because they can't afford bail.

While there may be an initial upfront cost, bail reform will also usher other long-term financial and social savings, like reducing detention costs and the negative impacts that detention can have on individuals, families, and communities as a whole.

Q4. What will happen to the bail industry? Will this bill eliminate the industry?

A4. Communities are safer and healthier when they are whole. The for-profit bail industry, backed by insurance corporations, destroys and tears them apart. Although most people assume that bail bonds companies are 'mom and pop'

shops, behind them are powerful insurance conglomerates that trap thousands of Oklahoma families – especial in low-income communities of color – in debt with nonrefundable fees and installment plans. They make millions off premiums alone, regardless of whether someone shows up to court, is found innocent, or gets their case dismissed.

Oklahoma has a moral obligation to adopt proven alternatives that put the economic security, wellbeing, and safety of our communities before bail insurance companies' profits.

Critical parts of this bill:

Counsel present:

[Research indicates](#), and practicing criminal defense attorneys agree, that whether or not an arrestee is represented even at the earliest stages of the process can have major bearing on the outcome of the case. There is also instructive (but not binding) federal case law that states the Due Process clause of the Constitution requires counsel at bond hearings.

48 hour timeline:

Research has found that after one week of pretrial detention people are more than 50% more likely to be rearrested before trial and to recidivate after sentence completion, compared with those who spend only 24 hours in jail. Attorneys for OIDS have told us that in some rural Oklahoma counties, indigent defendants wait up to three weeks in jail before the court appoints counsel.

Resource list

<https://www.ncsc.org/Microsites/PJCC/Home/Issues.aspx>

<https://openjustice.okpolicy.org/2019/02/26/sb-252-bail-reform-could-save-counties-communities-millions/>

<https://www.prisonpolicy.org/profiles/OK.html>

<https://ianayres.yale.edu/sites/default/files/files/A%20Market%20Test%20for%20Race%20Discrimination%20in%20Bail%20Setting.pdf>

https://scholar.google.com/scholar_case?case=3195463303163237086&q=caliste+v.+cantrell&hl=en&as_sdt=6,37&as_vis=1

http://www.justicepolicy.org/uploads/justicepolicy/documents/bailfail_executive_summary.pdf

<https://theappeal.org/the-failure-to-appear-fallacy/>