



Kansas Sheriffs' Association

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Testimony to House Committee on Judiciary Proponent Testimony on HB 2755 February 14, 2024

Chairwoman Humphries and Committee Members,

KSA recognizes that the bonding companies are a part of the criminal justice system and in most cases are very good partners. However, this bill addresses concerns that we have had for several years in relation to property bondsman. Insurance related bondsman have checks and balances built into statute that regulate how they can conduct business. Property bondsman do not have the same checks and balances. This bill creates those checks and balances with oversight.

On page 5, line 20 states: "A compensated surety may enter into a premium financing agreement for any appearance bond premium amount that exceeds 10% the face amount of the appearance bond." In essence this provision is setting a 10% minimum standard for bonding. I know in Sedgwick County there have been bonds posted on individuals charged with murder for 1% and that 1% could be financed. That means on a \$500,000 bond the defendant only had to post \$5000 and be able to finance that amount.

We understand the Wichita Police Department will be offering an amendment to restrict the 5% bond with 5% financing would only apply to low level felonies, severity level 5 and below. We support that amendment. This would require the full 10% on violent crimes.

KSA completely understands the constitutionality of bonding and we believe the minimum of 10% is a good idea as proposed in this bill.

In reference to E-Bonding, the Sedgwick County Sheriff's Office was going to E-Bonding due to issues we were having with certain bonding companies, and this would have elevated those issues. However, in looking at E-Bonding more closely, the system could be easily manipulated by bonding companies and no checks and balances would be in place to catch the manipulation. An example would be a bonding company hiring minimum wage staff to monitor bookings all night long and check on each one of them that they would bond them. They could then use the license bonding agents license number and enter that number on each bond. This could be done by someone who is not a licensed bonding agent. Due to these concerns, we chose not to implement E-Bonding.

Another concern with the KSA pertains to forfeiture of bonds that is conducted by the courts. Currently in Chapter 22, there is specific language on how a judge can forfeit the bond and the bonding company would be responsible for the remainder of the bond.

Currently, the total time a bonding company must find and return a bond absconder back into our custody is 120 days. In statute, the District Attorney/County Attorney must wait 30 days after the

suspect has gone on the run before filing the forfeiture to the courts. The courts then must give 90 days to the bonding company before they have a hearing. Once the hearing takes place and the judge orders the forfeiture of the bond, the bonding company has an additional 30 days to locate the absconder.

KSA proposes that those times be cut down from 120 days to 90 days. One reason is this is consistent with other statutes and limitations put on prosecutors for speedy trial and this proposal would be consistent with getting charged defendants to court in a timely manner. KSA would suggest looking at this option in the future.

KSA is supportive of this bill.

Thank you for your consideration.

Jeff Easter
KSA Legislative Chair