



SPONSOR: Rep. Keeley & Rep. Wagner

HOUSE OF REPRESENTATIVES

141st GENERAL ASSEMBLY

HOUSE RESOLUTION NO. 80

CREATING A BAIL BOND TASK FORCE TO EVALUATE BAIL BONDS IN THE VARIOUS COURTS OF THE STATE OF DELAWARE.

1 WHEREAS, there is a need in our society to uphold the rule of law including the enforcement of court orders;
2 and

3 WHEREAS, the various courts set bail to ensure the appearance of persons charged with criminal offenses and
4 which dictate conditions to be followed including a requirement for the defendant's appearance at times and dates
5 specified; and

6 WHEREAS, bail can be established as secured or unsecured and can be posted by the defendant and others
7 including persons licensed by the Insurance Commissioner; and

8 WHEREAS, the several courts have rules that deal with bail procedures; and

9 WHEREAS, courts cannot afford to have calendars impacted by the unnecessary rescheduling of a defendant's
10 failure to appear; and

11 WHEREAS, all participants in the court process have an interest in the speedy resolution of criminal matters; and

12 WHEREAS, the police are required to enforce court orders for defendants who fail to appear; and

13 WHEREAS, the data that currently exists on appearance rates, the effectiveness of secured vs. unsecured bail,
14 and the subsequent enforcement for failure to appear, is insufficient for full analysis;

15 NOW, THEREFORE:

16 BE RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 141ST GENERAL ASSEMBLY, that a
17 Bail Bond Task Force is hereby established; and

18 BE IT FURTHER RESOLVED, that the task force will consist of:

19 1. The Lieutenant Governor or designee;

20 2. Five representatives of the courts as designated by the Chief Justice;
21 3. The Attorney General or designee;
22 4. The Public Defender or designee;
23 5. The Insurance Commissioner or designee;
24 6. Five representatives from law enforcement including the Superintendent of State Police or designee,
25 the Chief of the New Castle County Police or designee, the Chief of the Wilmington Police Department or
26 designee, two representatives of law enforcement as chosen by the Police Chief's Council;
27 7. Four members of the House of Representatives, two of which shall be appointed by the Speaker of
28 the House of Representatives, with the remaining two appointed by the Minority Leader, one of which shall be
29 designated chair by the Minority Leader; and
30 BE IT FURTHER RESOLVED, that the Judicial Information Center (JIC) and the Delaware Criminal Justice
31 Information System (DELJIS) will support the efforts of the Task Force to gather information pertinent to the analysis;
32 and
33 BE IT FURTHER RESOLVED, that a report be prepared that will focus on ways to improve the rates of
34 appearance for defendants in criminal proceedings; and
35 BE IT FURTHER RESOLVED, that the report include an analysis of the rates of appearance by type of bail
36 within each court, of the subsequent enforcement rates, of the penalties imposed upon apprehension, and of the impact of
37 non-appearance on court calendars; and
38 BE IT FURTHER RESOLVED, that the report gather information on the laws of other states regarding the
39 licensing and certification of bail bondspersons.
40 BE IT FURTHER RESOLVED, that the report of the task force be submitted to the Speaker of the House of
41 Representatives and the Minority Leader on or before February 1, 2003.

SYNOPSIS

This Resolution calls for a task force to review the bail bond procedure and respond by February 1, 2003.