

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations- includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board --in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

5 & MEETINGS

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

Home → Model Legislation → Public Safety and Elections

Crimes With Bail Restrictions Act

Summary: The purpose of this act is to enhance public safety. The Bureau of Justice Statistics has shown that defendants released on unsecured bonds were the most likely not to show and thus end up as fugitives. Around 60% of those arrested on a felony charge are released pending trial either by means of commercial bail or by other less effective methods. In turn, about one third of these released defendants will be rearrested for a new offense. The data also shows that re-arrest rates are highest for those released on their own recognizance (ROR). Because of this and in order to enhance public safety, courts should increase the use of surety release and backtrack on the number of ROR's, especially for more serious crimes. The act would prevent those more inclined to commit crimes from being released except on a surety bond. BJS studies also show that those released via the surety bond are less like to fail to appear and while awaiting trail less likely to commit additional crimes.

Section 1. {Posting of bail for crimes with bail restrictions}

(a) As used in this section:

"Crime with bail restriction" means a felony of the first or second degree charged under any of the following sections:

- (1) Murder
- (2) Manslaughter
- (3) Kidnapping
- (4) Sexual Assault
- (5) Robbery
- (6) Carjacking
- (7) Arson and Related Offenses
- (8) Causing or risking Widespread Offenses
- (9) Burglary
- (10) Theft by Extortion
- (11) Endangering the Welfare of Children
- (12) Resisting Arrest; Eluding Law Enforcement Officer
- (13) Escape
- (14) Corrupting or Influencing a Jury
- (15) Possession of Weapons for Unlawful Purposes
- (16) Weapons Training for Illegal Activities

"Crime with bail restrictions" also includes any first or second degree drug-related felonies under [relevant section/title of state code] and any first or second degree racketeering felonies under [relevant section/title of state code].

(b) Subject to the provisions of subsection c. of this section, a person charged with a crime with bail restrictions may post the required amount of bail only in the form of:

- (1) Full cash
- (2) A surety bond executed by a corporation authorized under [relevant title of state code], or
- (3) A bail bond secured by real property situated in this State with an unencumbered equity equal to the amount of bail undertaking plus \$20,000.

(c) There shall be a presumption in favor of the court designating the posting of full United States currency cash bail to the exclusion of other forms of bail when a defendant is charged with an offense as set forth in the subsection a. of the section and:

- (1) has two other indictable cases pending at the time of the arrest; or
- (2) has two prior convictions for a first or second degree felony or for a violation of section [relevant section] or any combination thereof; or
- (3) has one prior conviction for murder, aggravated manslaughter, aggravated sexual assault, kidnapping or bail jumping; or
- (4) was on parole at the time of the arrest, unless the court finds on the record that another form of bail authorized in subsection b. of this section will ensure the defendant's presence in court when required.

Did you know the NRA--the National Rifle Association--was the corporate co-chair in 2011?

(d) When bail is posted in the form of a bail bond secured by real property, the owner of the real property, whether the person is admitted to bail or a surety, shall file an affidavit containing:

- (1) A legal description of the real property;
- (2) A description of each encumbrance on the real property;
- (3) The market value of the unencumbered equity owned by the affiant as determined in a full appraisal conducted by an appraiser licensed in the State of [state name]; and
- (4) A statement that the affiant is the sole owner of the unencumbered equity.

Section 2. {Severability Clause}

Section 3. {Repealer Clause}

Section 4. {Effective date}

Adopted by the Criminal Justice Task Force at the States and Nation Policy Summit December 9, 2006. Approved by the ALEC Board of Directors January 8, 2007.

About Us and **ALEC EXPOSED**. The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish www.PRWatch.org, www.SourceWatch.org, and now www.ALECexposed.org. For more information contact: editor@prwatch.org or 608-260-9713.

Center for Media
and Democracy's
quick summary:

This bill is a handout to the commercial bail-bond ("surety") industry, and would prevent courts and law enforcement from exploring alternative methods of pre-trial release. Under the bill, for all of the crimes listed, the only way the accused can be released is through paying a bondsman (which usually requires a nonrefundable payment of 10% of the total bail) or posting 100% of the bail in cash or property. This Act would prohibit courts, counties, or states from applying pre-trial release options (such as those that include supervised release and efforts to include necessary drug, alcohol, or social interventions) to persons accused of these crimes. The ALEC summary sets up a false dichotomy between release on bail and releasing a person on their own recognizance, and ignores the alternative pre-trial release options that exist. Except under the conditions specified in Section 1 (c), payment to a bail bondsman would be the most likely option if this bill were passed -- judges would not set bail at the amount they think appropriate to make sure the person returns to court, but at 10X that amount, knowing that the accused will be released by paying a bondsman 10% of the bail. The inclusion of Section 1 (c) allows a presumption in favor of requiring a defendant to pay the full bail in cash (and not paying a bondsman), but its inclusion suggests that the bail-bond option should be included in all other instances.