



Katie Whisman Consulting, LLC

Senate Judiciary Committee
House Bill 2755
PROPONENT
March 20, 2024

Chairwoman Warren and Members of the Committee on Judiciary:

My name is Katie Whisman and I appear on behalf of the Kansas Bail Agents Association. Thank you for the opportunity to testify in support of House Bill 2755, which proposes some important changes to the statutes which govern appearance bonds in Kansas.

Fundamentally, "bonds" help secure a criminal defendant's appearance in court while allowing them to remain outside custody pending their day in court. In cases where the court sets a cash bail amount, a defendant may secure their release before trial by utilizing a third party - such as a bondsman - who provides a financial guarantee to the court on behalf of the defendant.

Thus, the bail bond industry plays a critical role in the Kansas criminal justice system; it is an industry which provides access to pretrial release while guaranteeing for the court that the defendant will participate in the judicial process.

Courts are responsible for setting bail amounts commensurate with the severity of the crime, criminal history and flight risk of the defendant. This system helps balance the rights of a defendant with our personal and communal interests in safe communities.

House Bill 2755 proposes not to disrupt this balance, but to reinforce it. There have been a number of instances in the last year where the practice of offering discount bonds to defendants accused of committing violent person felonies has led to significant public safety concerns in Kansas communities. Even if this practice is well intentioned, it threatens not only the safety of the public but also the integrity and livelihood of the industry.

The purpose of the Kansas Bail Agents Association is to promote free enterprise bail and protect the interests and honor of the bail profession by promoting legislation which will advance the profession. It is from that guiding principle that the Association felt it important to take a proactive role in contemplating and proposing a balanced solution to the aforementioned concerns.

House Bill 2755 includes some common sense recommendations that address those public safety concerns, prevent the denial of constitutional rights, and enhance the professionalism of the bail industry in Kansas. The specifics of these proposed changes and the underlying reasons for each will be addressed by Shane Rolf, Executive Vice President of the Kansas Bail Agents Association.

There is one drafting oversight in lines 20-22 on page 5 that we would ask be corrected if the bill were to move forward.

Our discussions with stakeholders have continued since the introduction of House Bill 2755. We believe that an amendment to lines 29-32 on page 1 is in order to address concerns with interpretation that were brought to our attention by a municipal court; we would be happy to offer language to resolve this concern.

We also understand there may be a recommendation to prohibit extension of the premium financing option to those charged with person felony crimes; we entrust this policy decision to the Committee.

In closing, I want to reiterate our support of House Bill 2755, which seeks to strike a balance between individual liberties, public safety, the criminal justice system, and the professional bail industry. It is our hope that the Committee will recommend the legislation favorably for passage.



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