



R Street Institute

Free markets. Real solutions.

Pretrial Information Briefing

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R Street Institute

R Street Institute is a nonprofit, nonpartisan, public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government.



Overview of Pretrial Laws

Balancing



Core Components of Pretrial Policy

- Time
- Purpose
- Type
- Assessments
- Conditions
- Guidance and requirements

Types of Pretrial Release

- Citation or summons
- Arrest and cite
- Release on recognizance or unsecured bond
- Release with non-monetary conditions
- Release with monetary conditions (“cash bail”)
- Preventive detention

Analysis of the 50 States

Alabama	13
Alaska	14
Arizona	15
Arkansas	16
California	17
Colorado	18
Connecticut	19
Delaware	20
Florida	21
Georgia	22
Hawaii	23
Idaho	24
Illinois	25
Indiana	26
Iowa	27
Kansas	28
Kentucky	29
Louisiana	30
Maine	31
Maryland	32
Massachusetts	33
Michigan	34
Minnesota	35
Mississippi	36
Missouri	37
Montana	38
Nebraska	39
Nevada	40
New Hampshire	41
New Jersey	42
New Mexico	43
New York	44
North Carolina	45
North Dakota	46
Ohio	47
Oklahoma	48
Oregon	49
Pennsylvania	50
Rhode Island	51
South Carolina	52
South Dakota	53
Tennessee	54
Texas	55
Utah	56
Vermont	57
Virginia	58
Washington	59
West Virginia	60
Wisconsin	61
Wyoming	62

Current Bail Laws

	Other States	Hawai'i
Provide Specific Time Limit	26	
Use of Pretrial Risk Assessment	23	✓
Eliminated Use of Cash Bail	3	
Prohibit Commercial Bail	5	
Statewide Pretrial Services	10	✓
Must Consider Ability to Pay	24	✓
Expanded Preventative Detention	33	✓

National Trends

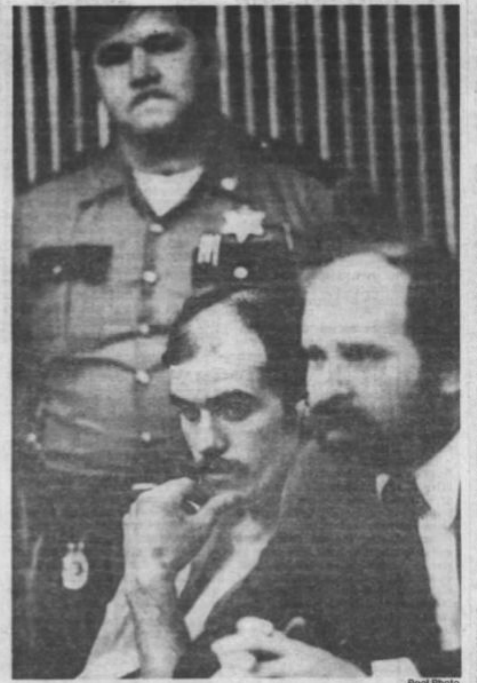
Public Safety Risk

- Perception of crime
- High-profile cases
- Political pressure

Murder Suspect Was Out on Bail

By RON AVERY
Daily News Staff Writer
The man charged yesterday with murdering a Pitman, N.J., couple

A witness saw a man leaving the house on a bicycle that afternoon and provided police with a detailed description that matched Johnson's



OPINION EDITORIAL

Trump is dead right to target cashless bail by threatening to withhold federal funds

By Post Editorial Board

Published Aug. 25, 2025, 8:02 p.m. ET

President Donald Trump is entirely right to push back against progressive cashless-bail "reforms," even if the feds can't directly counter the state lawmakers who've imposed them.



drawing was circulated, but police were led to a high information confidential informant. Johnson's brother was contacted, to talk the suspect into the house while a dozen outside. Johnson has an extensive criminal record, including arrests on burglary and narcotics charges. In 1973 in Gloucester, he entered a house and was charged with burglary and illegal possession of a handgun. He was dropped as part of a plea agreement in exchange for a four-year sentence. But he was free on bail, awaiting the actual trial. He has not yet decided whether to accept the state's arraignment in exchange for a public defender. Johnson's attorney sought to close the trial to the public. He has not yet decided whether to accept the state's arraignment in exchange for a public defender. Johnson's attorney sought to close the trial to the public. He has not yet decided whether to accept the state's arraignment in exchange for a public defender.



Failure to Appear

- Court congestion
- Staffing shortages
- Research on why people miss court
- Accessibility and opportunity presented by technology

Protecting Individual Rights

- Disparities
- Research on the harms of detaining low-risk defendants
- Litigation - access to counsel and ability to pay
- Budget/fiscal concerns

Best Practices

Ensuring Public Safety

- Pretrial risk assessments
- Timely, graduated responses to substantive pretrial violations
- Risk-based detention

Increase Court Attendance

- Automated court reminders
- Needs assessment and pretrial support
- Flexible and expedient court engagement

Protect Civil Liberties

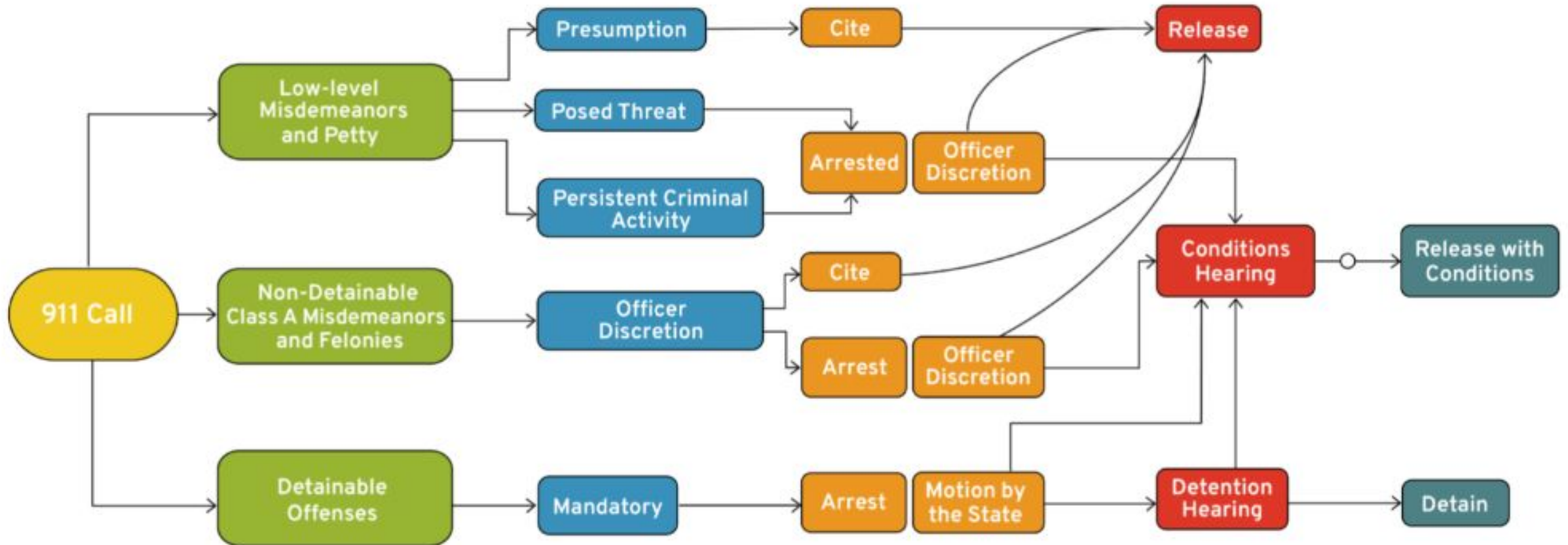
- Expedited release determinations
- Presumption of release
- Access to counsel
- Ability to pay determinations

Other Considerations

- Data and technology
- Protections for victims
- Addressing vulnerable populations

Jurisdictional Highlight

Illinois' Elimination of Cash Bail



Questions?

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