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TESTIMONY ON SENATE CONCURRENT RESOLUTION 128

SENATE LAW AND PUBLIC SAFETY COMMITTEE

submitted by the

AMERICAN CIVIL LIBERTIES UNION OF NEW JERSEY

July 24, 2014

The American Civil Liberties Union of New Jersey (ACLU-NJ) has long supported comprehensive reform of New Jersey's broken bail system that would end discrimination against poor people. As Chief Justice Rabner's Joint Committee on Criminal Justice found, our current bail system is unjust and results in many New Jerseyans, particularly black and Latino New Jerseyans, being kept in jail for months or years because they cannot afford to pay even low bail amounts of \$2,500 or less. This is an injustice that must not continue; being poor is not a crime. Comprehensive bail reform would be a tremendous civil rights advance for our state, and end an injustice disproportionately faced by communities of color.

The ACLU-NJ has been clear from the beginning of this process: amending our Constitution is not a step to be taken lightly. In the context of bail reform, we must not amend our constitution without accompanying legislation that will fundamentally shift our bail system from a money-based one to a risk-based one, and guarantee a defendant's right to a speedy trial. The proposed constitutional amendment being heard today, without such an accompanying statute, would be unjust and the ACLU-NJ would vigorously oppose it if it passed on its own.

However, if the most recent version of the bail reform legislation that the ACLU-NJ has seen, S946, is passed without significant change, the ACLU-NJ is prepared to support passage of this constitutional amendment. That version of the legislation, coupled with the Amendment, will transform our bail system and make our entire criminal justice system fairer while improving public safety. It deserves our complete support. That being said, without passage of strong bail reform legislation, we will seek defeat of the proposed Amendment. We thank all of the stakeholders for their commitment to this issue and for working to make sure that New Jersey's criminal justice system gives everyone a fair shot, regardless of their financial status.