

What is Bail?

1. Bail. "Bail" is defined as follows.

A. In the preconviction context, "bail" means the obtaining of the release of the defendant upon an undertaking that the defendant shall appear at the time and place required and that the defendant shall conform to each condition imposed in accordance with section 1026 that is designed to ensure that the defendant shall refrain from any new criminal conduct, to ensure the integrity of the judicial process and to ensure the safety of others in the community.

Me. Rev. Stat. tit. 15, § 1003

(b) "Bail" means a person licensed by the Department of Insurance pursuant to Section 1800 of the Insurance Code.

Cal. Penal Code § 1299.01 (West)

- (2) "Bail" means the pretrial release of a defendant from custody upon the terms and conditions specified by an order of the court with jurisdiction. Bail may be any of the following:
- a. A conditions of release bond.
- b. A conditions of release bond not guaranteed by financial terms.
- c. A conditions of release bond guaranteed by financial terms.
- d. A conditions of release bond guaranteed by financial terms secured by cash only.

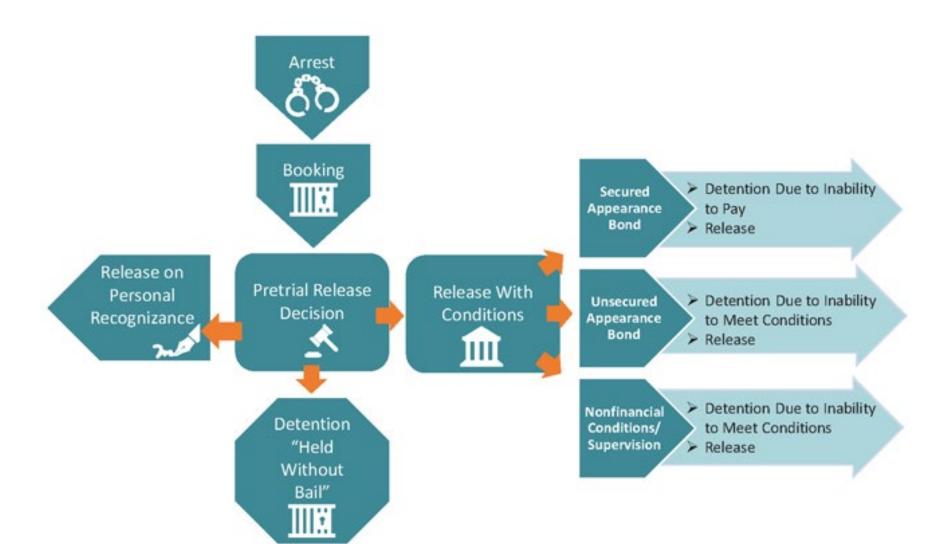
Del. Code Ann. tit. 11, § 2102 (West)

(1) "Bail" means a monetary amount required by the court to release the defendant from custody a nd to ensure his appearance in court as ordered.

Idaho Code Ann. § 19-2905 (West)

The Pretrial Release Process







State Constitutional Right to Bail





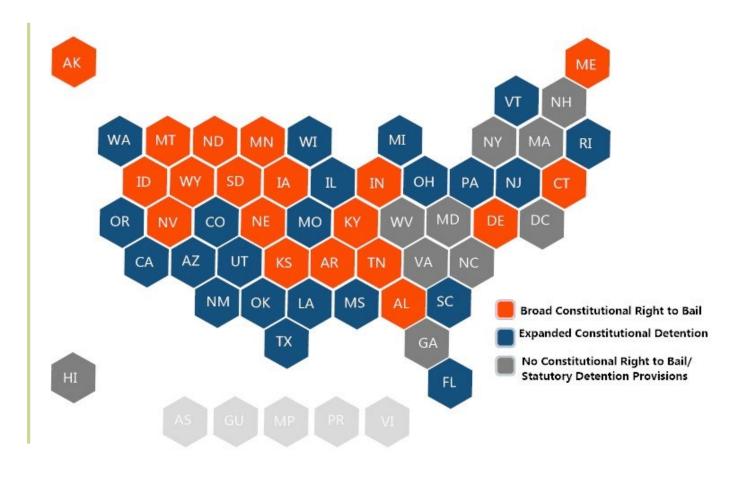
Broad Constitutional Right to Bail



Only 8th Amendment Language, Detention Addressed by Statute



Amended Constitution with Expanded Detention Net



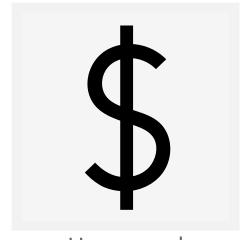
Types of Bond





Secured
Appearance Bond

An amount of bond is set, and some form of financial security must be provided.



Unsecured
Appearance Bond

An amount of bond is set, but no money is required up front.
Other conditions may apply.



Nonfinancial Conditions/Supervision

This includes conditional release and release on recognizance.



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