

# REVISED 112C

## ADOPTED

### RESOLUTION

1 RESOLVED, That the American Bar Association urges federal, state, local,  
2 territorial, and tribal governments to ~~promote public safety and assure that defendants~~  
3 ~~appear in court by~~ adopt ing policies and procedures that:

- 4 1. favor release of defendants upon their own recognizance or unsecured bond;
- 5 2. require that a court determine that release on cash bail or secured bond is  
6 necessary to assure the defendant's appearance and no other conditions will  
7 suffice for that purpose before requiring such bail or bond;
- 8 3. prohibit a judicial officer from imposing a financial condition of release that  
9 results in the pretrial detention of a defendant solely due to the defendant's  
10 inability to pay;
- 11 4. permit a court to order a defendant to be held without bail where public safety  
12 warrants pretrial detention and no conditions of pretrial release suffice, and  
13 require that the court state on the record the reasons for detention; and
- 14 5. bar the use of "bail schedules" that consider only the nature of the charged  
15 offense, and require instead that courts make bail and release determinations  
16 based upon individualized, evidence-based assessments that use objective  
17 verifiable release criteria that do not have a discriminatory or disparate impact  
18 based on race, ethnicity, religion, socio-economic status, disability, ~~or~~ sexual  
19 orientation, or gender identification.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED