



2/25/2019

Dear Lawmaker:

On behalf of thousands of Americans for Prosperity-West Virginia activists, I urge you to support HB 2190, Modifying Bail Requirements. **This vote may be recorded in our 2019 session legislative scorecard.**

HB 2190, sponsored by Chairman John Shott, would help West Virginia courts adopt smart, evidence-based pre-trial policies to improve lives and protect our communities. The bill creates a presumption that defendants charged with low-level misdemeanors be released on their own recognizance while still giving judges the discretion to keep riskier defendants behind bars.

- Forcing someone to post bail or stay in jail before trial even when they pose little flight risk or danger is both unfair and impractical. HB 2190 focuses these consequences on higher-risk defendants.
- Making bail is a huge financial barrier for many low-income families—people stuck in jail for financial reasons, for even as little as two or three days before trial, can lose jobs and have their worlds turned upside down. It's both right and smart to avoid disrupting lives absent a compelling risk-related reason.
- [Research](#) in neighboring states shows that greater exposure to pre-trial detention is associated with increased flight risk and recidivism rates, making law enforcement's job harder and our communities less safe.

While AFP-WV supports HB 2190's important reforms, we believe that **the bill would be improved by removing low-level drug offenses from the presumptive release exclusion list.**

- Drug misdemeanor charges, such as simple possession, are non-violent crimes that do not imply a defendant poses an unusually high flight risk or danger to others. Higher level charges, such as trafficking, are already felonies and ineligible for presumptive release.

For these reasons, I ask you to vote yes in support of HB 2190 and to adopt the recommended changes to make the bill as strong as possible.

Sincerely,

Jason Huffman
West Virginia State Director
Americans for Prosperity