



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Insurance Department

JONATHAN T. PIKE
Insurance Commissioner

Bail Bond Oversight Board Meeting
(<https://insurance.utah.gov/licensee/other/bail-bond/board>)

Date: January 12, 2022

Place: In Person
None

Virtual
Google Meet

Time: Noon

ATTENDEES

BOARD MEMBERS

xClay Carlos (Chair)	xTony Choate
xDominic Sanone (Co-Chair)	xBonnie Johnson
Lt. Kacey Bates	xCurt Oda
xChad Woolley	xReed Stringham (Non-Voting)

DEPARTMENT STAFF

xJon Pike, <i>Insurance Commissioner</i>	Tracy Klausmeier, <i>P&C Dir.</i>	xPatrick Lee, <i>Finance Dir.</i>
Randy Overstreet, <i>Licensing Manager</i>	xSteve Gooch, <i>PIO Recorder</i>	xPerri Babalis, <i>AG Counsel</i>

PUBLIC

Patty Reed	Terry Smith	Gerald Conder
Oscar Gonzalez	Steve Brown	Vivian White
Christie Ellis	Dyon Flannery	Joshua Massey
Clyde Stevens		

MINUTES — Approved

General Session (Open to the Public)

- Welcome / Clay Carlos, Chair (12:04 pm)
- Reading of anchor location determination / Clay
- Telephone roll call
 - Attendance code #1: **091513**
 - Tony arrived during the Summary of Reports
- Adoption of Minutes for October 13, 2021 meeting
 - **Motion by Curt to adopt minutes. Seconded by Dominic. Motion passes 5-0.**

Executive Session - If Needed (Closed to the Public)

General Session (Open to the Public)

- **Approve Recommended Actions from Executive Session** – Not needed
- **Summary of Reports**
 - Quarterly Accounting for Bail Bond Administration Account / Patrick
 - The only expenditures occurred in October and November. No revenues were collected. The current account balance is \$37,966.12.

- Year to date expenditures are personnel costs, such as mileage, and current expenses. The current expenditures for 6 months is \$2,839.99.
- **Motion by Curt to approve report. Seconded by Dominic. Motion passes 6-0.**
- **New Business**
- **Old Business**
- **Other Business**
 - Pending legislation / Dominic
 - Dominic asks if anyone has heard of any pending legislation. Clay says he hasn't heard of anything, and to his knowledge the industry isn't opening a bill.
 - Reed says the only bail-related legislation the UID is running is the change discussed at the last meeting about the time period within which people have to attend a BBB meeting. The BBB approved the language at their last meeting; it will be in HB 31.
 - Curt asks if this language will be part of the UID's bill. Reed says that's correct.
 - Clay notes that things are as slow as they've ever been in the industry. He hopes things can get turned around soon.
 - Appointing of new jail commissioners / Tony
 - Tony asks if anyone has noticed whether jails have been swearing in or appointing new commissioners. Clay says he's not aware of any jails that have a bail commissioner that is effective for the industry.
 - Tony spoke to a commissioner at Weber County, who said he knows of some that have been sworn in, but they don't know about using the bail schedule. Clay says the UAPBA is meeting with the sheriff's association. He thinks there will be clarity that comes out of it.
 - Reed asks what the industry's concern is. Clay says the ability for sheriffs to set bail was removed a couple of years ago, but it's back in now. However, sheriff's may not have someone in place to set bail based on the uniform bail schedule. It's Clay's impression that the courts will try to circumvent that as much as possible. He thinks there's an education process that needs to happen to let sheriffs know that they do have the ability to set bail, and the right to bail is still a constitutional right. The industry is banking on sheriffs being pro-bail and some inmates will be interested in paying bail before going through a government-run pretrial process. He says things don't happen overnight, so it's taken time to turn bail off in Utah, but in November and December of last year, they accomplished it.
 - Tony spoke with a sergeant in Brigham City who said they offered to swear officers in as bail commissioners, and they all refused because the county was making them pay for their own bond. None of them wanted to foot the bill for their own bond and carry the extra responsibility and liability to be a bail commissioner. Clay thinks that will be discussed at the UAPBA/sheriff's association meeting today.
 - Curt asks if it's in statute that a bail commissioner needs to be bonded. Clay says he can't find it in statute. Curt says it should be in statute if it's a requirement. He notes that bonds only cost a couple hundred dollars. He remembers when bail enforcement bonds used to be expensive because BCI had it as a liability bond, but he got it changed which then lowered bail enforcement bonds from \$500 to \$1,000 a year down to \$100 a year.
 - Tony says bail commissioners are liable for the bail they set. It's good that they follow the bail schedule because then they're not liable because that's what the state has set as the standard bail. If they vary from the schedule, they have to justify it in a report and if a person does something while they're out, the commissioner could be held liable. Curt says if it's in statute, they should abide by the bail schedule.
 - Clay says this may be something that a county attorney came up with to give the industry a reason why they aren't doing bail. He says the first district is fairly anti-bail and has been for years. Tony says the sergeant he spoke to was pro-bail and wanted to go back to the bail schedule. Clay notes that the industry has friends in law enforcement, but people in the courts are the problem. Curt says county attorneys and the courts are against bail, but most sheriffs are pro-bail.

- **Adjourned** (12:25 pm)
 - Attendance code #2: **171414**
 - **Motion by Curt to adjourn. Seconded by Dominic. Motion passes 6-0.**
 - **Next Meeting:** **April 13, 2022** — Bonneville Room, Taylorsville State Office Building

2022 Meetings (Noon to 1:30pm)

January 12, 2022	April 13, 2022	August 24, 2022	October 12, 2022
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