



**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:** **April 13, 2022**

**Time:** **12:00 Noon**

**Place:** **In Person**  
Taylorsville SOB  
4315 S. 2700 W.  
Big Cottonwood Room  
Taylorsville, UT 84129

**Virtual**  
Google Meet

**ATTENDEES**

*BOARD MEMBERS*

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

*DEPARTMENT STAFF*

Jon Pike, <i>Insurance Commissioner</i>	Tracy Klausmeier, <i>P&amp;C Dir.</i>	xPatrick Lee, <i>Finance Dir.</i>
xRandy Overstreet, <i>Licensing Manager</i>	xPerri Babalis, <i>BBB Counsel</i>	xSteve Gooch, <i>PIO Recorder</i>

*PUBLIC*

Terry Smith	Steve Brown	Ali Jensen
Stephanie Kramer	Christie Ellis	Robyn Rogers
Melody Jenkins	Bert Christenson	

**MINUTES — Approved**

**General Session (Open to the Public)**

- Welcome / Clay Carlos, Chair (12:06 pm)
- Telephone roll call
  - Attendance code #1: **910744**
- Adoption of Minutes for January 12 meeting
  - **Motion by Curt to adopt minutes. Seconded by Dominic. Motion passes 6-0, Tony not present.**

**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 current balance as of the end of Q3 is \$37,536.60.
    - The total expenditures for the year are \$3,269.51.
    - There are more expenditures than revenues collected in the year, but not by much. The balance in the account is sufficient to cover it.
- **New Business**
- **Old Business**

- Bail commissioners / Dominic
  - Dominic asks if anyone knows about the bail association talking to legislators about the bail commissioner issue discussed in January. Clay says he doesn't have any news, other than Rep. Lisonbee is supposedly asking sheriffs how to get commissioners in place. She understands what needs to be taking place and is working on it. Sheriff Jensen, president of the sheriff's association, is on board with informing the association about bail commissioners. Clay says the problem is discretion; judges have discretion about whether to accept bail as their primary means of pretrial release, and sheriffs have discretion about whether to wait for a judiciary to do the get-out-of-jail free program.
  - Curt suggests reaching out to Lisonbee because interim meetings start in the next month, and she is now in leadership. She will have more political clout. If there are any goals for next session, now is the time to start.
  - Kacey is a bail commissioner. Before the first House bill came out, she was able to accept bail and was required to be a bail commissioner to process the bail. The new House bill requires a bail commissioner be on during every shift because they're setting bail. The notes from last meeting said they'd talked to a deputy who said they felt like there was a high liability for setting bail, and it's restrictive about what they can set bail for. If the county has to insure the new bail commissioners, it will cost a lot of money. Clay says they operated for 100 years without needing liability; it's unnecessary and may be a scare tactic from the opposition, including county attorneys who are unfavorable to bail. If the thing that will kill the industry is the minimum premium on a bail bond, the industry can raise that money in a heartbeat.
  - Curt says it depends on what the purpose of the insurance or bond is. Bonds don't cover liability. If they're saying there's a liability, he wants to know what kind of liability.
  - Tony says the liability is setting the bail if the person gets out and commits a crime or hurts someone. They set the bail and if someone thinks it was set too low, then they would be liable. Curt says that doesn't make sense because they would be covered under qualified immunity.
  - Kacey says they still use bail bonds a lot in Summit County, and she and her sergeant are both bail commissioners. She notes that not only is the bail commissioner setting bail, but there's also pretrial release and doing what judges would be doing. They look at income, other offenses, and those types of things when setting bail. It's a lot for a deputy to take on. Clay says it's not like bail commissioners are arbitrarily setting bail; they're looking at the bail schedule and putting down whatever it says. Kacey says it's not that easy on their end. Yes, you're setting bail, but the bail schedule doesn't have a specific bail amount for each thing. The House bill has muddied the waters so much that there's a multitude of things they have to do now. You have to find the person's history and base the bail on the history. It's not a set bail anymore.
  - Curt says it boils down to unintended consequences that can be fixed.
  - Kacey says the bail commanders she's talked to think there will be an adjustment to the House bill. She likes people coming into Summit County to have options. She and the bill sponsor, Rep. Schultz, have talked about it a lot.
  - Clay says nobody has time to talk to the bail industry anymore. That's why they had to rely on the sheriffs to get to the last repeal. The State of Utah has done a good job of crippling them. Curt says they need to look at the source: district attorneys and the judiciary.
  - Clay says there's no communication about what is going to happen to them. Bail is their livelihood; you'd think they would keep them informed about what they're going to do with them, but that's not the case.
  - Tony asks what other jail commanders think about the bail industry: should it go back to how it was, or are they going along with how it is now. Kacey can't speak for other jail commanders, but when the first House bill came out, it was a shock. Summit County's perspective is that they were able to set bail, then give them options whether to do cash bail, call a bondsman, or wait to see the judge. The perspective is that the options were taken away. After the House bill, the person sits for a long time while the judge reviews the info. The bill was based on the idea that the less

privileged people are sitting in jail while people with more money can get out. The way she sees it, if you use a bondsman, it's 10% and is available to everyone.

- Curt says judges were more available before too. Kacey says they didn't need to be, because the only thing they needed to call judges for was approving warrants.
  - Bert Christenson says he recently bailed two people out who failed to appear, but the judge would not issue a failure to appear. Bert couldn't pick them up because there's no bench warrant, but there is no warrant. Judges are going to say they'll have to forfeit their bond. They know where people are and it's their responsibility to get them to court, but how do they get them in court without a warrant. Clay says Bert can call him for some solutions.
  - Curt says the problems can all be resolved, but the interested parties need to be in a group and work together. The judiciary and some DA's won't come to the table.
  - Bert says he hasn't had any calls on bail in two weeks. He says the judge goes to see people and either releases them on OR or takes the money and tells them to come back to court. Curt says they don't seem to understand that if there's no bail, who's on the hook if they take off? It's taxpayers. Using a bail company, it falls on the bail company. There are 500,000 outstanding warrants right now. Bert says they can't put a warrant out because the officers don't have enough people to deal with it.
  - Clay says the irony is that the current system keeps people incarcerated when they're supposed to be out working on their case.
  - Kacey thinks there will be another amendment to the bill. With the right people talking and involved, we can come back to some sort of reasonable outcome for both sides.
  - Clay says the biggest problem that nobody has talked about is the Governor's Office. If they didn't have half of the AOC as his personal attorneys, we wouldn't be talking about any of this.
  - Kacey says there will be a meeting with the sheriffs and jail commanders. She's happy to bring back any helpful info to the BBB. She can also talk to the jail commanders about access and easing frustration on the jail commanders and sheriffs sides. Curt suggests assigning one or two people to form a group with the bail association and legislators.
  - Clay describes some of the problems they're seeing in the First District Court between sheriffs and the judiciary.
  - Clay says his operation is statewide, so he has a good barometer on how things are between counties. There are good counties for bail and horrible counties for bail. He thinks that will probably always be how it is with discretion. He thinks the industry will have to live with discretion forever. Time will show how effective bail people were, and that they weren't predatory on the system. It's a shame that some companies won't survive it.
  - Clay thanks Kacey for being here and sharing her experiences. He doesn't want anyone putting words in her mouth or trying to form anything from what she's said to cause her problems. What she says is to help the industry understand her side, and she's not speaking for anyone else. Kacey thanks him and says that's right: she can only speak for herself. She says she can't speak for law enforcement as a whole, but she can express the bail industry's experiences to other jail commanders.
- **Other Business**
    - Curt says they need to start now on any legislation. This is an election year and they will be busy.
    - Randy says renewals must be submitted by July 15. The renewal date is August 14. Clay recommends holding the next meeting on August 10.
  - **Adjourned** (12:56 pm)
    - Attendance code #2: **385261**
    - **Motion by Chad to adjourn. Seconded by Curt. Motion passes 7-0.**
    - **Next Meeting:** **August 10, 2022** — Big Cottonwood Room, Taylorsville State Office Building

**2022 Meetings (Noon to 1:30pm)**

January 12, 2022	April 13, 2022	August 10, 2022	October 12, 2022
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