

Whereas cash bail can be prohibitively expensive for the underprivileged.

Whereas the wealthy can pay for better treatment under the law through cash bail.

Whereas the poor are pressured by cash bail to admit to crimes they did not commit.

Be it enacted by the Assembly of the Atlantic Commonwealth:

Section I - Title

- a) This act may be referred to as the “Equal Treatment Under the Law Act”

Section II - Definitions

- a) “Cash bail” is defined as any sort of financial fee or charge that to be paid by an arrestee so as to allow them to remain free until the time of their trial.

Section III - Abolition of Cash Bail

- a) The practice of cash bail is hereby prohibited in the Atlantic Commonwealth.
- b) Within 72 hours of a person’s arrest, there shall be a hearing before a judge to determine whether the arrestee should remain in jail until the conclusion of trial or be released upon his or her own recognizance. There shall be a rebuttable presumption in favor of release, except in cases of homicide, attempted homicide, rape or attempted rape, statutory or otherwise, and terrorism, in which case there shall be a rebuttable presumption against release.
- c) In determining whether an arrestee should be released upon his or her own recognizance, the judge presiding over the hearing shall consider the totality of the circumstances, including but not limited to the following factors:
 - i) Flight risk of the arrestee, such as possession of a passport and significant financial means, and other means by which to flee;
 - ii) Risk to the community, such as a likelihood to menace, threaten, unlawfully influence the outcome of his or her trial, or commit a felony while released;
 - iii) Police misconduct in relation to the arrestee.
- d) Should a judge determine that the arrestee should continue to be detained pending trial, the arrestee
 - i) Once per year, has the right to a renewed hearing to be released on his or her own recognizance;
 - ii) On an unlimited basis, may seek leave from the court for a renewed hearing seeking release on his or her own recognizance.
- e) Employers must keep the jobs of those arrested for capital offenses closed to applicants until the arrested person has completed received a verdict. If the arrested person is found not guilty, the employer must give the person the option to return to work immediately. If the arrested person is found to be guilty, the employer may accept new applicants for the arrested person’s former position.

Section IV - Clearing Trial Backlog

- a) The number of judges per judicial district in the New York City Criminal Court is hereby increased to 2 judges (giving the five counties of New York City a total of 26 judges).
- b) The number of judges for all county criminal courts covering an area with a population higher than 1 million persons will be increased to 4 judges, the number of judges for courts covering an area with a population less than 1 million but higher than 750,000 will be increased to 3 judges, and the number of judges for courts covering an area with a population from 500,000 to 750,000 will be increased to 2 judges.

Section V - Retroactivity

- a) All those currently being held for offenses unrelated to homicide, rape, or terrorism before their trial date must be released over the course of one year, barring an explicit order from the local district attorney ordering otherwise.
 - 1) A district attorney order of this type may be overturned by an order from the state Attorney General.

Section VI - Timeline

- a) This law shall take effect one month after its passage.