

Testimony in Support of HB-7651 - Reasonable Bail for Alleged Probation Violators – Bail on 32F

House Committee on Judiciary

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The Economic Progress Institute strongly supports Representative Batista's HB-7651, which would make the bail process more reasonable and more just for people on probation. HB-7651 would end the practice of holding alleged probation violators for up to 14 days (including weekends) without any hearing or opportunity to post bail, which is arguably a violation of constitutionally protected due process rights.

Everyone deserves a justice system that upholds fairness, equity, and respect for individual rights. However, the current statute undermines these principles by permitting the state to detain people without bail for extended periods, often leading to lengthy periods of incarceration regardless of innocence or guilt. Not only does the statute permit the state to hold people without an opportunity for bail, a study in 2015 found that, in practice, people are held for an average of 31 days while awaiting their probation violation hearings, and alleged probation violators accounted for 37% of all pretrial admissions to the ACI.

These figures present a serious equity issue for communities of color, who are disproportionately impacted by the criminal justice system. According to a Rhode Island state-commissioned study, Latino and Black drivers were significantly more likely to experience traffic stops by the police. The study also found that when police conducted searches on White individuals, they were more likely to discover illegal contraband compared to searches of Black and Latino individuals.¹ Research from New York University also shows that Black people are far more likely to be wrongly stopped by the police and were searched 1.5 to 2.5 times more often than White people.² In RI, Black communities disproportionately bear the burden of this policy of holding alleged probation violators without bail; Black men represent only 1 in 20 of the state's population but represent 1 in 6 of those on probation.

Being held without opportunity for bail can compound the hardships of poverty and reentry. Being locked up for what might be a minor concern can result in someone losing their job or housing, making the cycle of poverty even more difficult to escape. Passing **HB-7651 could also save the state a significant amount of money**; the expense of incarcerating individuals while they await trial places a significant financial burden on the state. In FY2023, it costs the state

¹ <https://www.providencejournal.com/story/news/2020/08/14/annual-study-has-consistently-found-racial-disparities-in-ri-traffic-stops-now-study-is-set-to-end/113962644/>

² <https://www.nyu.edu/about/news-publications/news/2020/may/black-drivers-more-likely-to-be-stopped-by-police.html>

\$453.28 per day per inmate to incarcerate someone at a minimum-security facility, resulting in a total cost of \$4,532.80 for just ten days. ^[3], the state spent a total of \$19,346,853 for th³. Additionally, despite being the smallest state in the nation, Rhode Island rivals larger states in probation rates. According to the Prison Policy Initiative, Rhode Island has the second highest rate of people on probation in the country.^[1]

^[1] https://www.prisonpolicy.org/reports/correctionalcontrol2023_data_appendix.html

Enacting HB 7651 would make the criminal justice system more just, equitable, and less devastating for those with alleged probation violations, while also saving the state money. **We strongly urge passage.**

³ <https://doc.ri.gov/media/566/download?language=en>