

Legislative Testimony

In **Opposition** to House Bill 2611
House Committee on Judiciary
February 3, 2026

Written-Only Testimony

Chair Humphries and Members of the Committee,

My name is Logan DeMond, and I am the Director of Policy and Research at the American Civil Liberties Union of Kansas. The ACLU of Kansas is a nonprofit, nonpartisan organization with more than 35,000 supporters statewide that works to protect and strengthen the civil rights and liberties of all Kansans. On behalf of the ACLU of Kansas, I am writing in opposition to House Bill 2611, which would dramatically restrict eligibility for own recognizance (OR) bonds by limiting access to individuals convicted only of nonperson felonies and imposing a list of additional eligibility requirements. In effect, this bill would eliminate OR bonds for a sizable number of people who are currently presumed innocent and is a significant step backward in Kansas's efforts to move toward a fairer, evidence-based pretrial justice system.

Creating a Two-Tiered System of Justice

At its core, House Bill 2611 further entrenches a two-tiered system of justice: one system for people who can afford to buy their freedom, and another for those who cannot. If this bill becomes law, individuals who have financial resources will still be able to secure release through cash or surety bonds. Meanwhile, people who are poor—even if they are low-risk, employed, caring for family members, and likely to appear in court—will be jailed solely because they lack money. This is not a system based on risk, accountability, or public safety, but a system based on wealth. These changes do not wipe violent offenders off the street entirely, only the ones who cannot afford their freedom.

Public Safety Is Not Improved by This Bill

Supporters of House Bill 2611 may argue that limiting OR bonds promotes public safety, but evidence does not support that claim. Research consistently shows that most people released pretrial appear for court. Jurisdictions that have reduced reliance on money bail show that people released pretrial overwhelmingly comply with their court obligations, with high appearance rates and low incidences of new criminal charges while waiting for trial (Prison Policy Initiative, 2023).

Furthermore, most do not commit new crimes while awaiting trial. Most people released pretrial, including those released under bail reform, do not reoffend while awaiting trial, and in some

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jurisdictions, fewer than 2 percent of people have been charged with violent offenses while released (*The Washington Post*, 2025).

Finally, detention itself increases the likelihood of future criminal involvement. Pretrial detention is associated with increased likelihood of future arrests and negative outcomes compared to individuals released pretrial, including higher rates of rearrest and deeper involvement in the justice system over time (Social Policy Lab, 2026; Vera Institute of Justice, 2023).

Pretrial incarceration destabilizes people's lives. It separates parents from children, workers from jobs, and tenants from housing. These disruptions make people less likely, not more likely, to succeed in court and in their communities. This bill does not keep violent offenders off the streets; it only ensures that people who cannot afford bail remain behind bars. Individuals with financial resources will continue to secure release regardless of risk. Public safety decisions should be based on individualized assessments, not blanket exclusions tied to wealth, immigration status, or prior contact with the justice system.

Overly Broad, Punitive Eligibility Restrictions

HB 2611 establishes an extensive list of disqualifications that would exclude many low-risk individuals from OR release, including those with prior felony convictions, regardless of age or relevance; those with a past failure to appear, even if years old or resolved; pending probation matters; and detainers and pending felony DUI or drug charges. These categories are overly broad and fail to account for context, rehabilitation, or current risk. A single mistake made years ago could permanently bar someone from release on their own recognizance. Technical probation violations, unresolved administrative holds, or minor past failures to appear would become lifelong barriers. This approach undermines judicial and prosecutorial discretion and replaces individualized decision-making with rigid, punitive rules.

Disproportionate Impact on Communities of Color and Low-Income Kansans

Because of longstanding disparities in policing, charging, and sentencing, people of color are more likely to have prior convictions, prior court involvement, and prior supervision histories. As a result, the eligibility restrictions in House Bill 2611 will fall most heavily on Black and Brown Kansans. Similarly, low-income Kansans are more likely to struggle with transportation, childcare, unstable housing, and inflexible work schedules, factors that can contribute to missed court dates or supervision violations. This bill punishes poverty by turning these challenges into

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permanent disqualifications. Rather than addressing root causes, House Bill 2611 compounds inequality.

Undermining the Presumption of Innocence

Kansas law recognizes that people accused of crimes are presumed innocent. OR bonds exist to honor that principle by allowing people who pose little risk to remain in their communities while their cases proceed. HB 2611 erodes this foundational value. It treats accusations and past involvement as grounds for automatic detention, regardless of current circumstances or actual risk. Pretrial detention should be a carefully limited exception—not the default.

Conclusion

House Bill 2611 moves Kansas in the wrong direction. It expands unnecessary incarceration, entrenches wealth-based detention, worsens racial and economic disparities, and undermines public safety and due process. Instead of investing in evidence-based pretrial practices, this bill relies on exclusion and punishment; instead of promoting fairness, it creates deeper inequality; and instead of making our communities safer, it destabilizes families and fuels recidivism.

On behalf of the ACLU of Kansas, I respectfully urge this Committee to oppose HB 2611 and to continue pursuing policies that are fair, data-driven, and consistent with constitutional values.

Logan DeMond
Director of Policy and Research

References

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