

Curbing Bondsmen Pool 42866

Hearings on the fugitive bailee bill have brought almost unanimous agreement that the practice of allowing bondsmen to seize accused persons and transport them across state lines without due process of law must cease. This outrageous custom came under the spotlight a few months ago when a bondsman took Tyrone Collins from his home in Pennsylvania by force in the middle of the night and transported him to Alabama. Such gross encroachment upon the power of the police and the courts does not become less offensive by reason of the fact that it has been tolerated in the past.

The chief question that was raised in the hearing before a Senate Judiciary Subcommittee was whether the corrective bill introduced by Senator Tydings and Representative Schweiker goes far enough. This measure would require a bondsman seeking a fugitive bailee in another state to go to a Federal judicial office instead of snatching his prey from bed in the dark. If the bondsman could show probable cause for belief that the fugitive had violated the terms of his bail, the judge or U.S. Commissioner could issue a warrant for the accused to be brought in for a hearing. After the fugitive had been informed of his rights and permitted to retain counsel, a hearing on his status would be held. If he were found to be a fugitive bailee, the judge would permit the bondsman to return him to the jurisdiction from which he had fled. If a bondsman should violate these procedures, he would be subject to severe punishment.

Some sponsors of this bill now question the advisability of releasing such fugitives into the custody of a bondsman even after a judicial hearing. A better practice would be to have a law enforcement officer return the fugitive. This possibility is to be explored by the Subcommittee. Deputy Attorney General Ramsey Clark suggested still further curtailment of the role of the bondsman. He would have fugitive bailees returned by extradition as is any person who flees to another state before he is arrested on criminal charges. The question here is whether the extradition process is too complicated for routine fugitive bailee cases.

The Subcommittee is to be commended for looking carefully before it leaps. By one means or another, however, virtual kidnappings by bondsmen must be stopped.