

THE BAIL PROJECT

December 17, 2025

Hon. Jim Jordan
Chair, Judiciary Committee
U.S. House of Representatives
2138 Rayburn House Building
Washington, DC 20515

Hon. Jamie Raskin
Ranking Member, Judiciary Committee
U.S. House of Representatives
2138 Rayburn House Building
Washington, DC 20515

Re: Letter of Opposition to H.R.s 5213, 5625, and 6260

Dear Chairman Jordan, Ranking Member Raskin, and members of the House Judiciary Committee,

The Bail Project writes in opposition to H.R. 5213, H.R. 5625, and H.R. 6260 – a package of bills that undermine state authority with federal overreach while harming public safety and increasing unnecessary incarceration. The Bail Project is a national nonprofit organization that provides free bail assistance and pretrial support to low-income people across the country. We know from on-the-ground experience which policies improve public safety – and which do more harm.

- **H.R. 5213 would punish states and localities for pretrial policies and practices by requiring the Department of Justice to strip critical public safety funding.** Public safety policies are best designed at home by practitioners and lawmakers who understand their local systems. H.R. 5213 would subvert the core principles of federalism through constitutionally impermissible overreach.¹ The Byrne JAG grant program threatened by H.R. 5213 is the largest federal grant available to states and localities for basic criminal justice systems. States *rely* on this guaranteed funding to resource essential public safety programs from policing to prosecutors to victims' services, and most states receive millions of dollars, if not tens of millions, per year.² Removing Byrne JAG funding from jurisdictions would cause police budgets in particular to crumble,³ actually disrupting public safety. Moreover, H.R. 5213's overly broad and undefined "clear threat to public safety and order" directive is impossible to consistently apply, opening the federal government to lawsuits upon inevitable arbitrary denials.
- **H.R. 5625 would require the Attorney General to create a public list of jurisdictions that permit the release of individuals without posting payment or collateral.** Every jurisdiction across the country allows people to get tickets, citations, or unsecured bonds for at least *some* offenses. When stakeholders use discretion to direct limited resources toward more serious crimes, public safety is better protected. Making a list of every jurisdiction in the country every quarter is an unnecessary waste of federal resources.

¹ National Federation of Independent Business v. Sebelius, 567 U.S. 519 (2012)

² Fiscal Year (FY) 2024 State Edward Byrne Memorial Justice Assistance Grant (JAG) Program Allocations by State, available at <https://bja.ojp.gov/funding/jag-state-local-allocations.pdf>

³ See, e.g., FOP Letter to Senate and House Appropriations Committees (dated March 23, 2023): "The Byrne JAG program continues to be critical to the success of protecting public safety and is one of the most important tools that law enforcement agencies can use to spur innovation and become more responsive to the communities they serve. The funds from the program provide agencies with the resources to implement insightful approaches to dangerous situations, improved tools and technologies, crime prevention and educational programs, mental health and substance abuse treatments, and improved cooperation between agencies to target regional-based trafficking organizations."

- **H.R. 6260 would expose non-insurance organizations to federal insurance crime liability for behavior that is already prohibited under state and federal law.** Individuals and organizations are already subject to state and federal criminal codes for fraudulent activity (e.g., money laundering and misuse of funds), and are already regulated as charities at the state and federal levels for their charitable activities. These organizations do not charge for their services, nor do they work with insurance companies or write commercial surety bonds. H.R. 6260 also threatens to harm the employment and operation of such organizations. Many charitable bail organizations are committed to second-chance hiring and employ formerly incarcerated people. H.R. 6260 would unnecessarily threaten the employment of system-impacted individuals who provide free bail assistance and services to increase court appearance rates and support public safety.

Taken together, this package of bills undermines state progress toward basing pretrial decisions on meaningful assessments of safety and instead moves toward decisions based on wealth through federal overreach. Data clearly shows that jurisdictions with cash bail reforms are not only safe, but many have seen significant drops in crime.⁴ While H.R. 5213, H.R. 5625, and H.R. 6260 profess to remove harmful policy and support public safety, each in turn would serve only to waste federal resources, encourage arbitrary application, and disrupt criminal justice and public safety systems in states across the country.

Sincerely,

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⁴ See, e.g., Craigie, Terry-Ann, and Ames Grawert. *Bail Reform and Public Safety: Evidence from 33 Cities*. New York: Brennan Center for Justice at New York University School of Law, August 15, 2024. <https://www.brennancenter.org/media/13174/download>.