LAW CLASS
How Courts Work

Steps in a Trial

Bail

Bail is the amount of money defendants must post to be released from custody until their trial. Bail is not a fine. It is not supposed to be used as punishment. The purpose of bail is simply to ensure that defendants will appear for trial and all pretrial hearings for which they must be present. Bail is returned to defendants when their trial is over, in some states minus a processing fee.

The judge decides the amount of bail by weighing many factors:

•the risk of the defendant fleeing,

•the type of crime alleged,

•the "dangerousness" of defendants, and

•the safety of the community.

Sometimes bail is conditioned on certain behavior of the defendant - for example, that he or she have no contact with the alleged victim.

The judge may release defendants on their own recognizance (without a payment of money), on the promise that they will appear for all hearings and for trial. This is usually done if defendants have a steady job, roots in the community, or other personal circumstances indicating that they will not flee.

In most, but not all, states, defendants who can’t come up with the amount of their bail may make arrangements for their release through a bail bondsperson. In return for the defendant's putting up a percentage of the total bond, usually 10 percent, the bondsperson will guarantee the remaining amount to the court should the defendant not be present for any court appearance.