



HOLD THE LINE ON SJR 5

VOTE NO IF THERE ARE HARMFUL AMENDMENTS THAT WILL STRIP PRETRIAL PROTECTIONS.

The law is clear that when someone is denied freedom before trial, it must happen fairly and under carefully limited circumstances. The committee substitute for SJR 5 contains the bare minimum to ensure that happens.

- **SJR 5 must contain a clear and convincing evidence standard for assessing risk of nonappearance AND community safety.** Due process requires clear and convincing evidence in bail hearings. Any lower standard will gut the protections SJR 5 has in place to prevent unfettered denial of bail.
- **SJR 5 must retain judicial discretion and cannot permit mandatory bail denial.** Modifying SJR 5 to require bail denial upon a mere finding of probable cause for committing the offense—the same standard required for arrest—is unconstitutional and unprecedented.
- **SJR 5 must contain the right to counsel at bail denial.** The consequences of bail denial for the accused are dire—and can mean they are incarcerated for months or years while awaiting trial.
- **SJR 5 must retain the carefully limited list of eligible offenses.** The law is clear that pretrial detention should be reserved for only the most serious cases.

WE URGE YOU TO STOP SJR 5 FROM MOVING FORWARD IF IT CONTAINS HARMFUL AMENDMENTS THAT WILL STRIP PRETRIAL PROTECTIONS.