

JUDICIAL CONFERENCE OF THE UNITED STATES

STATEMENT OF

**HONORABLE TOMMY E. MILLER
MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**



**FOR THE
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY
UNITED STATES HOUSE OF REPRESENTATIVES**

HEARING ON H.R. 2929, THE "BAIL BOND FAIRNESS ACT OF 2001"

JUNE 7, 2007

Administrative Office of the United States Courts, Office of Legislative Affairs
Thurgood Marshal Federal Judiciary Building, Washington, DC 20544, 202-502-1700

**STATEMENT ON BEHALF OF
THE JUDICIAL CONFERENCE OF THE UNITED STATES**

Good morning Mr. Chairman. I appreciate the invitation to testify today on behalf of the Judicial Conference of the United States, regarding H.R. 2286, the "Bail Bond Fairness Act of 2007." My name is Tommy Miller. I am a United States magistrate judge in the Eastern District of Virginia with my chambers in Norfolk. I was a member of the Conference's Advisory Committee on Criminal Rules ("advisory committee") from 1997 to 2003.

United States magistrate judges are the front-line judicial officers who conduct the vast majority of initial appearance proceedings, determining whether an accused should be released or retained in custody. My own district handles a large volume of such matters. Approximately 1,200 defendants were prosecuted in my district for the commission of felony criminal offenses last year. We have nine magistrate judges in the district. We held more than 1,930 initial appearance proceedings last year in felony cases, determining whether defendants should be retained in custody or released, and if released on what conditions, including on condition that the defendant post a bail bond. I was appointed to the bench in 1987, and I literally have presided over thousands of initial appearance proceedings. During the past twelve months, I have handled nearly 200 initial appearances and more than 90 bail review hearings in felony cases.

The Judicial Conference of the United States opposes H.R. 2286. The legislation would restrict a federal court's flexibility to impose added safeguards to ensure a defendant's compliance with release conditions and impair the court's authority to enforce conditions of release prior to trial. The legislation would adversely affect the proper functioning of the federal criminal justice system, either by needlessly increasing the number of defendants retained in custody before trial or reducing the incentive for some defendants to abide by their release conditions, jeopardizing public safety. We also oppose H.R. 2286 because it directly amends the Federal Rules of Criminal Procedure, thereby overturning the results of the rulemaking process, a process that was established by Congress in the Rules Enabling Act, 28 U.S.C. §§ 2071-77. My

statement will be similar to an earlier statement given by Judge Edward Carnes to the Subcommittee on Crime, Terrorism, and Homeland Security at a hearing on October 8, 2002, on a similar predecessor bill. The discussion remains timely with only a few adjustments.

Bail Reform Acts of 1966 and 1984

The Bail Reform Acts of 1966 and 1984, codified at 18 U.S.C. § 3142 et seq., set out the Congressional policy governing the pretrial release of an accused. Both Acts disfavor pecuniary bail and the existing law instead favors other safeguards that *both* ensure the public safety and the defendant's appearance at court proceedings when required. Both Acts provide wide discretion to courts in setting pretrial conditions of release. Consistent with the expressed policy of these Acts, commercial bail bondsmen have been used in only a small fraction of cases.

Section 2 of the Bail Reform Act of 1966 revised bail practices to assure that all persons, regardless of their financial condition, would not needlessly be detained pending their appearance in court, when detention served neither the ends of justice nor the public interest. The former standard promoted the release of defendants pending trial. Under the 1966 Act, "[d]anger to the community and the protection of society were not to be considered as release factors." S. Rep. No. 225, 98th Cong., 2d Sess. 3, reprinted in 1984 U.S. Code Cong., & Adm. News 3182, 3187.

The 1984 legislation amended the Bail Reform Act, reversing this standard and directing judges to consider the safety of the community in addition to the defendant's appearance in setting release conditions. The Senate Judiciary Committee reported that: "Many of the changes in the Bail Reform Act incorporated in this bill reflect the Committee's determination that Federal bail laws must address the alarming problem of crimes committed by persons on release and *must give the courts adequate authority to make release decisions that give appropriate recognition to the danger a person may pose to others if released.* The adoption of these changes marks a significant departure from the basic philosophy of the Bail Reform Act, which is that the sole purpose of bail laws must be to assure the appearance of the defendant at judicial

proceedings.” S. Rep. No. 225, 98th Cong., 2d Sess. 3, reprinted in 1984 U.S. Code Cong., & Adm. News 3182, 3185-3186 (emphasis added).

The Bail Reform Act, as amended in 1984, requires a court to determine whether there is any condition or combination of conditions that will reasonably assure that the defendant will appear in court as required, and at the same time assure the safety of others in the community while the defendant is free pending trial. It contains a Congressionally mandated preference for imposing the least restrictive bail condition on a person charged with a non-capital offense who must be released “on personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court ... unless the judicial officer determines that such release will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community.” 18 U.S.C. § 3142(b).

The Bail Reform Act sets out 13 specific conditions of release, which can be imposed by a court separately, in combination, or as hybrid versions, but only if the court finds that release on personal recognizance or on an unsecured appearance bond is inadequate. In fact, the majority of the defendants are released on the two least restrictive conditions, either personal recognizance or an unsecured appearance bond.

Accordingly, unless a court imposes other conditions, an accused is released on personal recognizance by promising only to make all further court appearances as required and not to commit crimes while on bond. There are no financial conditions. If not released on personal recognizance, an accused may be released on an unsecured personal bond. This is not a commercial bond. Rather, an unsecured personal bond is a promise by the accused to pay into court a specified sum of money if the accused fails to appear as required. A court’s determination to release an accused on an appearance bond of this type means that the accused will be released without deposit of cash bail or collateral in most cases. Release on personal

recognizance or on an unsecured appearance bond were available prior to 1966, but the 1966 legislation created a strong policy in favor of their use.

In practice, the requirement of obtaining a co-signer for an unsecured bond often serves as an upgraded form of release preferable to one of the other alternatives listed in the Act. A co-signer may be a family member or a friend, preferably employed or owning sufficient assets to make the financial undertaking of the bond a meaningful undertaking. It is particularly in these cases in which the forfeiture of a bond for breach of a condition of release, other than for failing to appear, becomes an important additional tool for the judge to protect the public safety.

Commercial bail bond is listed in the Act as the twelfth condition of release. A court has noted that the structure of the statute makes the conventional bonds of professional bondsmen the least desired condition. *United States v. Gillin*, 345 F. Supp. 1145, 1147 (S.D. Tex. 1972). Defendants are sometimes hard pressed to satisfy the significant premiums that commercial bail bondsman charge. Others have advocated the abolishment of this alternative condition altogether, which was seriously considered during Congressional debate of the 1984 legislation. (*ABA Standards for Criminal Justice*, 2ed. 1980, § 10-5.5 says: "Compensated sureties should be abolished. Pending abolishment, they should be licensed and carefully regulated.") If used, the "obligation of commercial sureties to assure the appearance of their clients, and, if necessary, *actively to maintain contact with them during the pretrial period, is emphasized.*" S. Rep. No. 225, 98th Cong., 2d Sess. 3, reprinted in 1984 U.S. Code Cong., & Adm. News 3182, 3185-3198.

I have attached copies of standard forms used in the federal courts when releasing defendants pending trial, which illustrate the different types of release conditions.

The Present System and What H.R. 2286 Would Do to It

Section 3142 of Title 18 authorizes the conditional pretrial release of defendants in the federal criminal system. When a federal judicial officer determines that release of the defendant on personal recognizance or on an unsecured appearance bond will not reasonably assure that

defendant's appearance or will endanger the safety of anyone in the community, § 3142(c) expressly provides for conditions on release, and it lists as examples 13 types of conditions that may be imposed. Among the conditions that may be imposed are that the defendant not possess a firearm, avoid all contact with the victim and witnesses to the crime, refrain from the use of alcohol and illegal drugs, stay away from certain places and people, and observe a curfew. One available condition is that the defendant, or others acting on the defendant's behalf, execute a property or secured bail bond. The statute also provides that the judge may order the defendant to "satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of any other person in the community." Rule 46(e) of the Federal Rules of Criminal Procedure sets out the procedure relating to forfeiture of surety bonds and to setting aside or remitting of any forfeiture.

Section 3 of H.R. 2286 would eliminate the power of a federal judge to forfeit bail, including a bail bond, for failure to satisfy a condition of release, other than failure to appear before the court. It would rule out the use of forfeiture or the threat of forfeiture to enforce conditions of release that are necessary to assure the safety of innocent people and the community as a whole. Though the impetus for this legislation comes from professional bail bond interests, its provisions are not limited to cases in which they put up the surety bond, or even to cases in which there is a surety bond.

The Judicial Conference opposes legislation that would amend Rule 46 to restrict a judge's power to forfeit a bail bond to instances where the defendant fails to appear before the court. The Conference position followed a careful examination by the advisory committee of Rule 46(e) and of the consequences of removing the authority of judges to forfeit bonds for reasons other than failure to appear, as H.R. 2286 would do.

In 1998, the advisory committee undertook a study of a similar proposal regarding an earlier version of this bill.¹ As part of that study, we conducted a survey of my colleague magistrate judges, the front-line judicial officers who preside over virtually all of the proceedings governing the pretrial release of defendants in the federal system. The study revealed that Rule 46(e) is working well in its current form.

In a large majority of the 94 federal districts, bonds are forfeited only if the defendant fails to appear at a scheduled proceeding. In some districts, however, courts do incorporate conditions of release as part of the bail bond and may forfeit bonds for violations of those release conditions. In those districts, the magistrate judges believe that subjecting the posted assets of the defendant, or of a friend or relative of the defendant, to risk if the defendant violates a non-appearance condition of release significantly increases the probability that the defendant will comply with all the release conditions. **Absent this added assurance, these magistrate judges would be more reluctant to release a particular defendant.** They report that they might well decide to retain a defendant in custody instead of exposing the court and innocent members of the community to the greater risk that the defendant will violate a significant release condition, such as refraining from drug use. In fact, some defendants themselves have suggested that their bond be subject to forfeiture if they fail to abide by the release conditions as a means of persuading a judge to release them. Amending Rule 46(e), as H.R. 2286 proposes, could have the unintended consequence of causing some defendants who would otherwise have been released without endangering the public to be detained instead.

Magistrate judges report that they routinely impose a condition of release that prohibits the defendant from contacting specific individuals. This release condition is often essential to protect the safety of witnesses in large drug cases, ex-spouses and domestic partners of

¹ H.R. 2134, 105th Cong., 1st Sess. (1997).

defendants with prior histories of drug abuse, spouses and family of defendants charged with felony sexual abuse, child abuse, or domestic violence. The current Rule 46(e) provides judges with the valuable flexibility to impose added safeguards in appropriate cases ensuring a defendant's compliance with these and other conditions of release by subjecting a bail bond to forfeiture on a breach of these conditions of release. Judges have found that the added supervision provided by the friend, family member, or bondsman whose posted bond becomes subject to forfeiture if the defendant breaches a condition of release is an effective insurance deterring the defendant's misbehavior.

Some defendants gain their release by posting their own cash or property as bail. Others have relatives or close friends post their property or act as sureties for the defendant. As the Bail Reform Act intended, significantly more federal defendants secure their release by putting at risk their own money or property or persuading a relative or friend to do so, than use corporate sureties or bail bonds firms. When defendants themselves or their families or friends put up the collateral, and it is at risk of forfeiture for failure to comply with non-appearance conditions, the defendant has a powerful incentive to comply with those incentives. The defendant has a powerful incentive to observe a curfew or travel restriction, to stay away from a victim, or to stay away from alcohol, drugs, or convicted felons, and to obey whatever other conditions a judge has imposed for the safety of the community. H.R. 2286 would remove that powerful incentive by amending Rule 46(e)(1), which now provides for forfeiture of the bail if there is a breach of any condition of the bond, so that bail could be forfeited only if the defendant fails to appear. And that would be true no matter what the bail is or who put it up.

Consider, for example, a defendant who puts up his own cash or property as bail, and among the conditions imposed are that he not possess a firearm and that he stay away from the victim of the charged crime or any witnesses. Would we not want the defendant's own posted cash or property to be at risk if he threatened with a firearm the victim or a witness? Under the

existing rule, a judge could order that the cash or property the defendant posted be forfeited if the defendant committed that kind of serious breach. If H.R. 2286 is enacted, the judge will be powerless to forfeit any bail bond regardless of who put it up and regardless of how serious the defendant's breach of a non-appearance condition is.

The effects of the proposed legislation extend to third-party custodian sureties, such as family members. If their property is at risk when the defendant violates curfew or starts using drugs or begins carrying a firearm, they will often exert pressure on the defendant to straighten up, or they may surrender a misbehaving defendant into custody to avoid jeopardizing their property. By insulating their property from any risk for the defendant's failure to adhere to non-appearance conditions, H.R. 2286 would remove a major incentive for third-party custodian sureties to exert influence over a released defendant's behavior.

Even with corporate sureties, who obviously lack a custodial or family relationship with the defendant, the threat of forfeiture of the bond can provide an incentive to keep tabs on the defendant to insure that he does not leave the territory to which he is confined, obeys a curfew, and so forth. To the extent that corporate sureties or third-party sureties cannot effectively police a defendant's compliance with non-appearance conditions, their inability to do so can be taken fully into account by the judge in deciding whether to set aside or remit some or all of any forfeiture. Rule 46(e)(2) & (4) provide for the setting aside or remission in whole or part of any forfeiture "if it appears that justice does not require the forfeiture."

In summary, Rule 46(e) as it now exists provides federal judges with the important flexibility to impose added safeguards to ensure a defendant's compliance with conditions of release. Removing that flexibility, which is what H.R. 2286 would do, may jeopardize public safety and the proper functioning of the federal criminal justice system. It would also increase the number of defendants retained in custody, because judges will be more reluctant to release

them under these circumstances. Federal courts should retain their full authority to enforce all conditions of pretrial release.

The Rules Enabling Act

Because H.R. 2286 would directly amend one of the Federal Rules of Practice and Procedure, its enactment would contravene the rulemaking process established by Congress under the Rules Enabling Act, 28 U.S.C. §§2071-77. Under that important Act, proposed amendments to federal court rules are subjected to extensive scrutiny by the public, bar, and bench through the advisory committee process, are carefully considered by the Judicial Conference, and then are presented after approval by the Supreme Court to Congress. It is an exacting and deliberate process designed to ensure that careful thought and consideration is given to any proposed amendment of the rules so that lurking ambiguities can be unearthed, inconsistencies removed, problems identified, and improvements made. Direct amendment of the federal rules through legislation, even when the process is complete, circumvents the careful safeguards that Congress itself has established.

I am pleased to note that an earlier justification for this legislation's predecessor has been omitted. It had been claimed by some previously that thousands of defendants were failing to show up for court appearances, because there was no meaningful bail-bond option. The facts did not support the statement. The federal pretrial services officers investigate defendants and their reports assist the court in determining whether to release the defendants and on what conditions. These officers also supervise defendants after their release. The outstanding work of these officers is a primary reason for the few nonappearances by defendants.

Once again, I thank you for the opportunity to appear before you today. I would welcome any questions you might have about this issue.

UNITED STATES DISTRICT COURT

District of _____

UNITED STATES OF AMERICA

V.

APPEARANCE BOND

Defendant

Case Number: _____

Non-surety: I, the undersigned defendant acknowledge that I and my . . .

Surety: We, the undersigned, jointly and severally acknowledge that we and our . . .

personal representatives, jointly and severally, are bound to pay to the United States of America the sum of

\$ _____, and there has been deposited in the Registry of the Court the sum of

\$ _____ in cash or _____ (describe other security.)

The conditions of this bond are that the defendant _____ (Name)

is to appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States District Court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment, may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

This bond is signed on _____ at _____
Date Place

Defendant _____ Address _____

Surety _____ Address _____

Surety _____ Address _____

Signed and acknowledged before me _____
Date

Judge/Clerk

Approved _____

JUSTIFICATION OF SURETIES

I, the undersigned surety, say that I reside at _____
_____; and that my net worth is the sum of
_____ dollars (\$ _____).

I further state that

Surety

Sworn to before me and subscribed in my presence on _____
Date

at _____
Place

Name and Title

Signature of Judge/Clerk

I, the undersigned surety, state that I reside at _____
_____; and that my net worth is the sum of
_____ dollars (\$ _____).

I further state that

Surety

Sworn to before me and subscribed in my presence on _____
Date

at _____
Place

Name and Title

Signature of Judge/Clerk

Justification Approved: _____
Judge

UNITED STATES DISTRICT COURT

District of _____

UNITED STATES OF AMERICA
V.

APPEARANCE AND COMPLIANCE BOND

Defendant

Case Number: _____

Non-surety: I, the undersigned defendant acknowledge that I and my . . .

Surety: We, the undersigned, jointly and severally acknowledge that we and our . . .

personal representatives, jointly and severally, are bound to pay to the United States of America the sum of

\$ _____, and there has been deposited in the Registry of the Court the sum of

\$ _____ in cash or _____ (describe other security.)

The conditions of this bond are that the defendant, _____
(Name)

is to (1) appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States District Court to which the defendant may be held to answer or the cause transferred; (2) comply with all conditions of release imposed by the court, and (3) abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment, may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

This bond is signed on _____ at _____
Date Place

Defendant _____ Address _____

Surety _____ Address _____

Surety _____ Address _____

Signed and acknowledged before me _____
Date

Judge/Clerk

Approved _____
Judge

JUSTIFICATION OF SURETIES

I, the undersigned surety, say that I reside at _____
_____ ; and that my net worth is the sum of
_____ dollars (\$ _____).

I further state that

Surety

Sworn to before me and subscribed in my presence _____
Date

at _____
Place

Name and Title

Signature of Judge/Clerk

I, the undersigned surety, state that I reside _____
_____ ; and that my net worth is the sum of
_____ dollars (\$ _____).

I further state that

Surety

Sworn to before me and subscribed in my presence _____
Date

at _____
Place

Name and Title

Signature of Judge/Clerk

Justification Approved: _____
Judge

UNITED STATES DISTRICT COURT

DISTRICT OF

UNITED STATES OF AMERICA

V.

AGREEMENT TO FORFEIT PROPERTY

CASE NUMBER:

Defendant

I/we, the undersigned, acknowledge pursuant to 18 U.S.C. §3142(c) (1) (B) (xi) in consideration of the release of the defendant that I/we and my/our personal representatives jointly and severally agree to forfeit to the United States of America the following property:

and there has been posted with the court the following indicia of my/our ownership of the property:

I/we further declare under penalty of perjury that I am/we are the sole owner(s) of the property described above and that the property described above is not subject to any lien, encumbrance, or claim of right or ownership except my/our own, that imposed by this agreement, and those listed below:

and that I/we will not alienate, further encumber, or otherwise willfully impair the value of my/our interest in the property.

The conditions of this agreement are that the defendant (Name)

is to appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States Court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing agreement (including any proceedings on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this agreement, then this agreement is to be void, but if the defendant fails to obey or perform any of these conditions, the property described in this agreement shall immediately be forfeited to the United States. Forfeiture under this agreement for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach, and if the property is forfeited and if the forfeiture is not set aside or remitted, judgment may be entered upon motion in such United States District Court against each debtor jointly and severally for forfeiture of the property together with interest and costs, and execution may be issued and the property secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States of America.

This agreement is signed on (Date) at (Place)

Defendant Address
Owner(s)/ Address
Obligor(s) Address

Signed and acknowledged before me on (Date)

(Judge/Clerk)

Approved: (Judge)

UNITED STATES DISTRICT COURT

District of _____

United States of America

V.

ORDER SETTING CONDITIONS OF RELEASE

Case Number: _____

Defendant

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified) _____

Place

on _____

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- () (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of _____ dollars (\$ _____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and state) (Tel. No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____ Custodian or Proxy Date

- () (7) The defendant shall:
(a) report to the _____, telephone number _____, not later than _____.
(b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: _____
(c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described _____
(d) execute a bail bond with solvent sureties in the amount of \$ _____.
(e) maintain or actively seek employment.
(f) maintain or commence an education program.
(g) surrender any passport to: _____
(h) obtain no passport.
(i) abide by the following restrictions on personal association, place of abode, or travel: _____
(j) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: _____
(k) undergo medical or psychiatric treatment and/or remain in an institution as follows: _____
(l) return to custody each (week) day as of _____ o'clock after being released each (week) day as of _____ o'clock for employment, schooling, or the following limited purpose(s): _____
(m) maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.
(n) refrain from possessing a firearm, destructive device, or other dangerous weapons.
(o) refrain from () any () excessive use of alcohol.
(p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
(q) submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
(r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.
(s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.
(t) participate in one of the following home confinement program components and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.
(i) Curfew. You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or
(ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or
(iii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.
(u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
(v)
(w)
(x)

