

The hidden practice of utilizing bonds to cover legal financial obligations

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Abstract

Cash bail payments are generally imposed to ensure an individual appears in court after arrest. Lesser known is the practice of bond conversion, wherein bond money is held to pay for legal financial obligations if the individual is found guilty. Procedural justice theory is a useful framework for understanding bail processes. Individuals subject to bond conversion may experience distrust towards a system whose policies are not transparent, potentially reducing compliance with the law. We conduct an assessment of statutes relevant to bond conversion for all 50 states and the US Code. Nearly half of all states and the US Code permit bond conversion via statute; statutes most often authorize conversion to pay for fines, costs, and restitution; most do not require the depositor be given notice, do not include language making exceptions for low-income individuals, and do not exclude third parties. Suggestions for future research on bond conversion are discussed.

Keywords: Monetary bail, bond, legal financial obligations, monetary sanctions, procedural justice theory

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Introduction

Over the last decade, scholars have increased attention on the negative impacts of legal financial obligations (LFOs) for individuals who encounter the criminal justice system (i.e., justice-involved individuals). Most often scholars have focused on LFOs such as court fines or probation fees, for example, to cover electronic monitoring. However, another revenue-generating mechanism has been less visible: the practice of utilizing “bail” or “bond” payments. These payments are typically used to ensure an individual returns to court after arrest and booking. But, lesser known, is that they are often held for a lengthy period of time beyond the initial court appearance so that if the individual is found guilty, the bail money may be used to pay off debt owed to the court. This practice is called bond conversion. Although bond conversion is typically legal, it runs counter to the general understanding that bonds are intended to ensure an individual appears in court – and are released upon appearance at the first court hearing. With almost half a million people being held in United States jails awaiting trial (i.e., pretrial), this lesser-known practice of bond conversion must be more closely examined.

The American monetary bail system and the pretrial process impacts individuals in a number of known and concerning ways long before cash bonds are converted. Pretrial detention exposes an individual to harsh jail conditions (Gupta et al., 2016) but also has severe and far-reaching effects on case outcomes (e.g., conviction, sentence length; Stevenson, 2018). For individuals who are assigned bail but are unable to secure the bond amount out-of-pocket, they may post bond through a bail bondsperson. However, bail bonds require that individuals and/or their families pay a smaller non-refundable portion of the bail amount and exploitation via predatory contracts is well documented in these arrangements (Holland-Stergar et al., 2017). Even those solvent enough to post bail on their own may, as a result of posting bail, experience

financial strain on other household resources (Liu et al., 2018). Individuals assigned monetary bail rather than nonfinancial options also have a greater likelihood of being convicted and recidivating (Gupta et al., 2016). Further, monetary bail practices can be especially harmful to low-income (Rabuy & Kopf, 2016) and minority populations (Arnold et al., 2018).

A growing body of literature has also begun to address the negative impacts LFOs can have on justice-involved individuals. Jurisdictions generally do not evaluate an individual's ability to pay when imposing LFOs (Council of Economic Advisers, 2015) and as a consequence LFOs are disproportionately harmful to low-income individuals (Harris, 2016). Sanctions for nonpayment of LFOs can result in additional interest and surcharges, extended probation or parole, and at times even incarceration (Harris, 2016). LFOs also contribute to what can become a lifetime of criminal justice debt (Harris, 2016), negatively affecting an individual's family relationships (deVuono-powell et al., 2015) and hampering their ability to pay for basic needs (Gleicher & DeLong, 2018). The ways in which the practice of converting bail money to pay for LFOs affects justice-involved individuals is not yet clear.

While there is a considerable body of knowledge on the impacts of bail practices, pretrial detention, and LFOs, there is sparse literature concerning what happens to bail deposits after the individual shows up in court. That is, research is mostly silent on the 'conversion', or application of cash bail/bond money into payment for court and/or supervision fines and fees. While this practice may be legal, it does not follow the broadly understood purpose of bail which is to *ensure that the individual returns for their court hearing and does not pose a threat to public safety*. Thus, missing from the bail conversation is the invisible yet potentially problematic practice of bond conversion. Individuals who find themselves in a position to post bail, or later, hoping to receive their bail money returned to them, may experience feelings of distrust towards

a system whose policies are not transparent. In these situations, according to procedural justice theory, individuals lose trust in the system and are less likely to comply with the law as a result (Tyler & Jackson, 2014).

In this article, we explain the process of bond conversion and explore statutes which authorize this practice nationwide. We use the procedural justice framework to show how the practice may negatively impact justice-involved individuals' feelings of fairness and financial wellbeing. We also describe the legal context of bond conversion, including factors deemed relevant by courts in determining the legality of the practice. These factors are then used to shape our collection and assessment of the relevant statutes from all 50 states and the US Code. Finally, we offer recommendations for future bond conversion research.

Literature review

Pretrial detention & private bail bonds

Considerable scholarly work has demonstrated the harmful effects of pretrial decision-making. Individuals subject to pretrial detention are more likely to plead guilty (Heaton et al., 2017), have a greater likelihood of conviction (Dobbie et al., 2018; Stevenson, 2018), face longer sentence lengths (Heaton et al., 2017; Stevenson, 2018), are at an increased risk of recidivism (Heaton et al., 2017; Leslie & Pope, 2017), and accumulate greater criminal justice debt (Stevenson, 2018). There is also evidence that pretrial detention exposes individuals to communicable diseases, violence and isolation and may also damage social networks (Appleman, 2012) and result in job loss (Dobbie et al., 2018).

Those who are able to secure release from jail but who must rely on a bail bondsperson typically must pay a 10%, nonrefundable, premium in order to secure the private bail bond, whether or not they are guilty (Liu et al., 2018). This cost alone, can be a considerable financial

hardship. Individuals seeking private bail bonds are also vulnerable to potential exploitation. For example, predatory contracts may force signers to give up privacy rights, and subject them to not only non-refundable premiums but also various, potentially illegal fees (Holland-Stergar et al., 2017). In some cases, the contracts even give bail bond agents complete control over a cosigner's collateral including life savings, homes, and vehicles (Holland-Stergar et al., 2017).

Release on monetary bail

While pretrial detention and use of a bail bondsperson have troubling effects on justice-involved individuals, the focus of this paper is on a lesser-known potential detriment facing those who are able to pay their cash bail in order to secure pretrial release. While these individuals in many ways are advantaged compared to those who are detained pretrial and those who must use a bail bondsperson, the conversion of their bail money to pay for LFOs may also have negative consequences. Scant literature exists on the conversion of bail money to pay for LFOs, but substantial literature has documented the negative impact of cash bail practices more generally on justice-involved individuals.

Individuals who are assigned monetary bail are more likely to experience negative outcomes in later stages of case processing. Like pretrial detention, research has shown that the assignment of monetary bail rather than nonfinancial release options increases an individual's chances of being convicted and their chances of recidivating. In their investigation of the assignment of monetary bail in Philadelphia and Pittsburgh, Gupta and colleagues (2016) found that individuals who were assigned monetary bail were 12 percent more likely to be convicted and between 6 and 9 percent more likely to recidivate.

Monetary bail practices can be particularly detrimental for low-income individuals. Despite the fact that bail amounts often exceed the typical household's liquid savings (Liu et al.,

2018), the decision regarding the amount imposed rarely involves any investigation into the arrested individual's ability to pay (Stevenson & Mayson, 2017). Moreover, justice-involved individuals tend to have lower incomes compared to non-justice-involved individuals. To illustrate, in 2015 the median pre-arrest annual income for an individual held on bail was roughly \$15,000; this was about half the income of individuals who were not incarcerated (Rabuy & Kopf, 2016). Thus, those who are able to secure release on cash bail, likely suffer considerable financial strain.

Monetary bail practices, in addition to being more harmful to low-income individuals, may also be more harmful to people of color. Studies have indicated that relative to White individuals, Black individuals have a greater likelihood of being given cash bail over other nonmonetary release options (Arnold et al., 2018; Schaefer & Hughes, 2019), may be assigned greater bond amounts (Arnold et al., 2018; Ayres & Waldfogel, 1994), and are more likely to be held on bail as a result of being unable to pay (Sacks et al., 2015). Moreover, research investigating the influence of intersecting social statuses on bail outcomes has also found that young Black men face the harshest bail decisions relative to other groups (Wooldredge et al., 2015).

Legal financial obligations

Individuals released on cash bond may expect to have their funds returned to them when appearing in court. However, these funds may be held by the court in order to pay for LFOs. While scholarly work has not evaluated this bond conversion practice, studies have increasingly investigated the effects of LFOs on justice-involved individuals. Criminal justice organizations have become increasingly reliant on LFOs to fund their operations (Harris, 2016). However, as with bail, jurisdictions typically do not consider an individual's ability to pay when they impose

fines, fees, and other LFOs (Council of Economic Advisers, 2015). Rather, monetary sanctions from courts are generally based on offense type (Council of Economic Advisers, 2015). LFOs pose disproportionate disadvantages to low-income individuals who are more likely to be justice-involved, less likely to be able to pay, and thus more often subject to sanctions for nonpayment (Harris, 2016). These sanctions can include additional interest and surcharges, they may extend community supervision, and may even lead to incarceration. Unfortunately, because of interest and surcharges, even those individuals who make regular payments can face a lifetime of criminal justice debt (Harris, 2016).

Fines, fees, and resulting criminal justice debt affects justice-involved individual's abilities to secure basic necessities and places strain on family relationships. Those subject LFOs struggle to pay for other basic needs including rent, medicine, food, and financial support for their dependents (Gleicher & DeLong, 2018; Harris et al., 2010). Moreover, family strain results from long term and hidden costs of LFOs. These costs, for example, may be associated with incarceration including those related to treatment for mental and physical health issues; displaced children and loss of custody rights; and missed educational and employment opportunities for those imprisoned as well as for their family members (deVuono-powell et al., 2015).

With respect to the conversion of bond money to pay for LFOs, the practice could potentially alleviate some of the harms which result from nonpayment of LFOs. It is also possible however, that bond conversion produces harm by forcing defendants to divert cash to immediately pay for LFOs while ignoring other needs (e.g., paying for a lawyer or paying rent). Thus, it is necessary for researchers to expand on the bail and LFO literature by addressing bond conversion practices.

Theoretical framework

Procedural justice is a useful framework (Tyler & Jackson, 2014) for understanding bail and bond processes. Procedural justice posits that all criminal justice encounters have the potential to either build or erode trust and, in turn, increase or decrease compliance with the law over the course of an individual's involvement with the criminal justice system. This theory argues that how people are treated is even more important than the outcome of their encounters.

Studies on procedural justice across all stages of the criminal justice system have consistently found that agencies which improve perceptions of fairness also increase trust and voluntary compliance with the law. There are four primary elements to this theory. The first is feeling that a person has a voice, or the opportunity to be heard and tell their side of the story. Second, is feeling that the legal process is neutral, transparent, and that it is equally applied to all people regardless of age, race, gender, or class. Third, is feeling treated with dignity and that your rights were respected; this includes feeling you were given time and attention required to meet your needs. Fourth, is feeling that legal authorities are trustworthy, and that they show sincere concern about the person's situation. When justice professionals can attend to these four elements, they generate public trust and, in turn, greater compliance with the law. This holds true even when individuals experience more negative outcomes (e.g., have to pay a higher fine) than people who receive better outcomes but who do not have procedurally-just encounters. On the other hand, when these four factors are not present in criminal justice system encounters, trust in the system declines. Because implementing these four pillars can be simple and low-cost, it is a promising approach to improving client relationships with criminal justice agencies.

Procedural justice theory could benefit research on bond conversion. The first and third pillars, having the opportunity to be heard and being treated with dignity are unlikely to be fulfilled given the very limited opportunity for clients to interact with judges who decide whether

to release bail or bond money back to the individual, but often feel bound by statutes, created by legislators, asserting that bonds should be held. The second pillar is equally problematic; the process seems to benefit wealthier people and punish low-income people, for whom the held funds could prohibit retaining legal representation. The fourth pillar, feeling that legal authorities are trustworthy, is also unlikely to be satisfied given that the bond conversion process is not well known in the general population and individuals may not be given notice that their bond money will be converted. Taken together, individuals who encounter bond conversion are highly likely to feel their encounter with the criminal justice system is not procedurally just. As a result, they are likely to lose trust in the criminal justice system and lose the desire to comply with its seemingly opaque, arbitrary, and disrespectful rules.

The practice of bond conversion may feel unfair to individuals. When bail is determined by statute, they do not have a voice in how much they can afford. They may feel bail more negatively impacts lower-income individuals than higher-income individuals. For example, individuals with limited financial resources may need to choose between using their limited money to secure better legal representation that could result in lower sentences or using their money to secure release from jail to retain their employment. Being able to obtain shorter sentences, for example probation sentences, provides protection from technical violations (things that are not necessarily illegal) such as failing to update a phone number with your supervision agent. When payment of fees is made a condition of probation, nonpayment may lead to extension of supervision or even reincarceration in some jurisdictions (Bannon et al., 2010).

The legal context of bond conversion

A brief review of case law related to this topic sheds some light on what the courts have identified as relevant in determining the legality of bond conversion. Court's ruling on the

legality of using a cash bail deposit as payment for fines and court costs assessed against an individual in criminal proceedings have often relied on the specific language found in the relevant statutes (Dupe, n.d.). Several courts have denied the court's right to convert bail money to pay for fines or costs solely based on a lack of specific language in the relevant statute to permit bond conversion (Dupe, n.d.). Further, when specific statutory language permitting bond conversion has been present, courts have often upheld bond conversion practices. This reliance of the courts on specific statutory language supports the validity of this paper's focus on assessing statutes.

Courts have had more trouble determining the legality of bond conversion in instances where a third party has paid the cash bail (Dupe, n.d.). Some courts have decided that cash bail deposits made by a third party are not allowed to be converted as payment for fines assessed against the individual accused of a crime. Other courts, however, have decided that if the applicable statutes permitted bond conversion without referencing who paid the bail, a presumption was made that bond conversion could occur without regard to whether the individual accused of a crime or a third party posted the bail. Some courts have held that when a statute or bail form explicitly states that a cash bail deposit may be converted, adequate notice has been provided to allow the bond to be converted (Dupe, n.d.). Several other courts have determined that a bail deposit made by a third party is the property of the individual accused of a crime. Courts' concern of the legality of converting a third-party bond deposit to cover LFOs highlights the importance of any statutory reference to third parties as documented in our assessment of statutes relevant to bond conversion below.

Some parties objecting to bond conversion have asserted constitutional challenges. In particular, parties have argued that because bail is meant solely to secure appearance in court,

requiring that the bail deposit be used to cover LFOs makes the bail amount excessive, violating the Eight Amendment (Dupe, n.d.). In 1962 the Supreme Court ruled in *Cohen v. United States* that a judicial rule permitting bond conversion was unconstitutional. The case involved an individual who sought bail in a US District Court. Under a Federal Rule of Criminal Procedure, the court would only admit the individual to bail upon agreement that a portion of the deposit be used to pay a fine (*Cohen v. United States*, 1962). While the court found this instance of bond conversion unconstitutionally excessive, other courts have declined application of this rule when bond conversion is permitted by legislation as opposed to by judicial rule (Dupe, n.d.).

The case law on the use of cash bail deposits to pay for fines and court costs demonstrates that while courts have confirmed the legality of bond conversion in many cases, this has not always been true. Decisions often hinge on whether the relevant state statute explicitly permits bond conversion, whether the statute language addresses third party payments, and whether the statute language requires that notice be given. Thus, these factors guide the following investigation into statutes relevant to bond conversion.

Methods

To document the extent of bond conversion practices in the US, we conducted an assessment of statutes which expressly permit the use of cash bail deposits for payment of LFOs imposed upon an individual in a criminal proceeding. Given that bond conversion is most often authorized by statute, our primary focus was on statutes rather than other sources of authorization (Dupe, n.d.). While bond forms and court rules, for example, are also often a

source of bond conversion authorization (Dupe, n.d.), a state-by-state evaluation of these rules and forms is beyond the scope of this paper.¹

In order to identify statutes relevant to bond conversion, we first used Google Scholar to search for statutes containing a combination of relevant key words (i.e. “cash bail” or “bail deposit” and “fines”, “fees”, “costs”, “restitution”). We also used LexisNexus to search for state statutes on bail, narrowing the search to results containing terms such as “fines”, “fees”, “court costs”, and “restitution”, and those on the topic of criminal law and procedure. When these searches did not generate any relevant results for a given state, we reviewed the state’s statutes on bail to confirm that bond conversion practices were not addressed. Moreover, if the state had statutes on LFOs imposed in criminal proceedings, we reviewed these statutes as well. Finally, we also documented bail reform legislation in several states which have greatly reduced the number of individuals assigned cash bail. In these states, a large number of individuals arrested will not post cash bail, meaning there are few cash bail deposits to convert to pay for LFOs.

We gathered information on these relevant statutes for each of the 50 states and the US Code. After collecting the relevant statutes we assessed them based on 1) whether bond conversion is expressly permitted, 2) the types of LFOs a cash bail deposit is permitted to be used for, 3) whether the statute explicitly requires that an individual depositing bail be informed that the deposit may later be used to cover LFOs, and 4) whether third parties including friends, family members, community members, charitable organizations, and bail bond agents are exempt from the bond conversion practice.

[Figure 1 near here]

¹ While court rules were generally excluded from this assessment, in Pennsylvania, state statute dictates that all matters relating to bail are to be governed by general rules. For this reason, we included the relevant rule from the PA Rules of Criminal Procedure in our assessment.

[Table 1 near here]

Findings

As shown in Figure 1, a total of 24 states expressly permit bond conversion via statute.² In addition, the US Code also expressly permit's bond conversion. Our assessment of these statutes revealed a range of LFOs that the bond deposit may be used to pay for. Some statutes only allow the cash bond deposit to be used for one or two LFOs while others include a wide range of LFOs. In Missouri, for example, a cash bond deposit may only be converted to pay for court costs (Bond Required for Arrest Warrantor, 2020), but in Utah a deposit may pay for fees, fines, forfeitures, surcharges, costs, interest, penalties, restitution, third party claims, claims, and damages (Bail to be Posted, 2021; Definitions, 2021). As illustrated in Figure 2, the most common LFOs which bonds may be converted to pay for are fines, costs, and restitution. Other less common LFOs which bonds may be converted to pay for were excluded from this figure. Table 1 provides information on statutes which authorize bond conversion including the types of LFOs which bonds may be converted to pay for, as well as rules concerning third parties and prior notice. A detailed table with the relevant statutes, specific statute language, whether bond conversion is permitted, all types of LFOs a bail deposit may be used to pay for, whether notice is required, and whether third parties are exempt can be found in the online appendix.

[Figure 2 near here]

States with statutes permitting bond conversion may require that notice be given to the cash bond depositor, prior to paying the bond, recognizing that the bond amount will be converted to pay for the LFOs of the individual accused of a crime. This is not always the case, however. In fact, among the 25 statutes which permit bond conversion, only five require that

² Statutes which only permitted bail money to be converted to cover an administrative-like fee were excluded from our assessment.

notice be given. As shown in Figure 1, the states which statutorily require that notice be given are Florida, Michigan, Pennsylvania, Virginia, and Wisconsin. It is more likely that the statute does not explicitly require any notice be given at the time when bail was being paid. While the state statute may not require these measures, local rules or bond forms may do so. For this reason, we cannot draw conclusions about the actual number of individuals who are not given such notice. Given that only five states require notice be given, however, we do think it is possible that many individuals posting cash bail are unaware that it may not be returned to them.

Of the 25 statutes that expressly permit bond conversion, only three contain language that attempt to make exceptions for individuals who are indigent or who would suffer undue hardship as a result of the practice. Ohio statute dictates that a cash bail deposit may be used to pay a penalty or fine, and court costs only “if the defendant is not indigent” (Release of Bail and Sureties, 2021). The US Code and the Pennsylvania Rules of Criminal Procedure dictate that courts in the federal jurisdiction and those in Pennsylvania will not convert a bond if it is demonstrated that the individual “would suffer an undue hardship” (Payment of Fine with Bond Money, 2021; Receipt for Deposit, 2015). The remaining 22 statutes permitting bond conversion do not address indigency or undue hardship.

As shown in Figure 1, among the 24 state statutes permitting bond conversion, only seven states have relevant statutes which exclude friends, family members, or other third parties posting cash bail from having their bond converted. The US Code also provides an exemption for third parties. Four statutes contain language that explicitly exempts third parties. Pennsylvania specifies that a bail deposit is only used to cover restitution, fees, fines and costs “if the defendant is named the depositor” (Receipt for Deposit, 2015) and in California “if the depositor was not the defendant, the deposit after judgment shall be returned to that person” (Receipts,

2021). Michigan statute also dictates that a cash deposit may be converted to pay for LFOs only if the defendant is the cash bond depositor (Bail; Cash Deposit, 2021). Similarly, the US Code permitting bond conversion directly states that “this section shall not apply to any third party surety” (Payment of Fine with Bond Money, 2021). Other statutes contain language which indirectly exempt third parties by stating that the bond may only be converted if the individual posting the bond agrees to or approves of the deposit being converted. Ohio’s statute states that a bail deposit made by a third party may not be converted to cover LFOs without “express approval” of the individual who made the deposit (Release of Bail and Sureties, 2021).

Virginia’s statute similarly states that a bond cannot be converted to pay for LFOs “unless agreed to by the person who posted such bond” (Fixing Terms of Bail, 2021). Florida and Arkansas statutes exclude only bail bond agents from conversion, while other third parties are still subject to the practice (Return of Cash Bond, 2021; Deposit of Money in Lieu of Bail, 2021). The remaining 18 statutes we reviewed do not exclude third parties from bond conversion rules.

Based on our assessment of statutory authorization of bond conversion, it often does not matter whether the individual accused of a crime, or a third party is posting the cash bail; it can still be used to pay for the LFOs of the individual accused of a crime. This means that friends and family members seeking the pretrial release of a loved one run the risk of losing their bond deposit, even if the individual accused of a crime appears in court.

While statutes are a major source of authorization of bond conversion, it is also important to note that local jurisdictional practices may still vary for a number of reasons. One reason practice may vary is due to the different types of bonds offered in each jurisdiction. For example, in some counties, surety bonds are primarily offered to individuals eligible for pretrial release. They are rarely offered cash bonds. Release on a surety bond requires that the individual pay a

non-refundable premium to the bail bondsperson (Bradford, 2012) whether or not they can afford to pay the full amount themselves. Because the money is given to the bail bondsperson rather than to the court, that money cannot be converted to pay LFOs, even when statute permits it. Another reason local practices may vary is that while the state statute may permit bond conversion, it is not always a requirement. For example, Alabama statute states that cash bail deposits *must* be applied to fines and costs assessed against the individual in a criminal proceeding (Disposition, 2021) but in Utah the relevant statute simply states that the court *may* use the bail deposit as payment for LFOs (Bail to be Posted in Cash, 2021; Definitions, 2021). Local jurisdictions in Utah then may have more varied practices. Further, as previously mentioned, when bond conversion is permitted but not required or is not mentioned in statute either way, local jurisdictions may authorize it by other means (e.g., local court rules, bond forms).

Conclusion

Our assessment has revealed that statutes explicitly permitting bond conversion are fairly common. Twenty-four U.S. states and the U.S. Code expressly permit bond conversion via statute. Most of these statutes do not require that notice be given to the bond depositor indicating that the deposit may be converted to pay for LFOs. Further, most of these statutes do not exclude third parties, including family members and friends, from the practice and few of the statutes have language which attempts to make exceptions for the low-income individuals most vulnerable to the practice.

The lack of language requiring notice in bond conversion statutes may mean that those subjected to bond conversion practices are caught off guard. Those posting bail money may be surprised to find that they will not have those funds returned once the individual appears in court.

The procedural justice framework suggests that this practice may contribute to feelings of unfairness and an erosion of trust in the justice system leading to decreased compliance with the law.

Bond conversion practices may also be particularly harmful to low-income individuals and people of color. Low-income individuals may be more likely to depend on returned bail deposit funds to pay for other necessities. However, based on our assessment of the relevant statutes, justice-involved individuals who are low-income are unlikely to be protected. Moreover, while on its face, bond conversion may appear to be race neutral, outcomes may still be disparate due to earlier case processing decisions. For example, the race of justice-involved individuals has been shown to influence arrest (Kochel et al., 2011) and bail (Arnold et al., 2018) decisions such that people of color face harsher outcomes. As a result, we would expect that a disproportionate number of individuals of color will be subject to bond conversion practices.

While this paper has documented the statutes relevant to bond conversion in all 50 states and the U.S. Code, the scope of this analysis is ultimately narrow and primarily aimed at providing the foundation for hypotheses in future work. Based on our initial assessment of relevant statutes, we recommend a number of avenues for future research on the topic of bond conversion. First, given the lack of scholarly attention to bond conversion practices, a more extensive evaluation of relevant policy and current practices in other locations at both the state and local level is warranted. Future research should also investigate whether or not bond conversion practices are being employed consistently. For example, in jurisdictions where state statute and local policy authorize and direct bond conversion practices, are they employed more or less often for certain kinds of individuals or based on certain kinds of offenses? Another important line of research may involve investigating whether or not bond conversion practices

place disproportionate harm on low-income and minority individuals, as prior research on the negative impacts of LFO's would suggest. It would also be valuable to explore any relationship between bond conversion practices and recidivism, and/or probation outcomes and to determine if these outcomes are more or less favorable compared to individuals who did not have their bonds converted (e.g., those who paid a surety bond).

With the procedural justice framework in mind, it would also be worthwhile to evaluate how knowledgeable the general public is about bond conversion practices and whether such practices would come as a surprise. Furthermore, it would be relevant to examine whether those who expect but do not receive reimbursement for the funds experience distrust of the justice system. As procedural justice theory suggests, a lack of transparency may contribute to distrust of the justice system and ultimately a lack of compliance with the law. Finally, future work should also examine whether and how individuals posting bail depend on reimbursement of funds. This line of research would be valuable in determining whether and to what extent bond conversion practices are harmful to justice-involved individuals, which may guide future policy decisions regarding bail practices.

Declaration of interest statement

The authors declare that there is no conflict of interest.

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Table 1*Statutes Permitting Bond Conversion*

Jurisdiction	Fines	Costs	Restitution	Other LFO	Rules
Federal	✓	✗	✓	✓	👥
Alabama	✓	✓	✗	✗	
Arkansas	✓	✓	✗	✗	👥
California	✓	✓	✓	✗	👥
Colorado	✓	✓	✓	✓	
Florida	✗	✓	✗	✓	👥 📄
Hawaii	✓	✗	✓	✓	
Idaho	✓	✓	✓	✓	
Indiana	✓	✓	✓	✓	
Kansas	✓	✓	✓	✓	
Kentucky	✓	✓	✗	✓	
Maine	✓	✗	✓	✓	
Michigan	✓	✓	✓	✓	👥 📄
Minnesota	✓	✗	✓	✗	
Mississippi	✓	✗	✓	✗	
Missouri	✗	✓	✗	✗	
Nevada	✓	✓	✗	✗	
Ohio	✓	✓	✗	✗	👥
Pennsylvania	✓	✓	✓	✓	👥 📄
Rhode Island	✓	✓	✓	✓	
South Carolina	✗	✗	✓	✗	
Tennessee	✓	✓	✗	✗	
Utah	✓	✓	✓	✓	
Virginia	✓	✓	✗	✗	👥 📄
Wisconsin	✗	✗	✓	✓	📄

Notes. 👥 Statute dictates that some third parties are exempt from bond conversion; 📄 Statute requires that the individual depositing bail be informed that the deposit may later be used to cover legal financial obligations (LFOs) imposed upon the defendant by the court; ✓ bond may be converted to pay for LFO; ✗ bond may *not* be converted to pay for LFO. 26 states do not explicitly permit bond conversion in statute and are omitted from this table. For a full table of all 50 states, visit:

<https://blogs.iu.edu/mimnb/2021/02/10/bond-conversion-tables-and-maps/>

Figure 1a

Whether State Statute Permits Bond Conversion & Special Rules

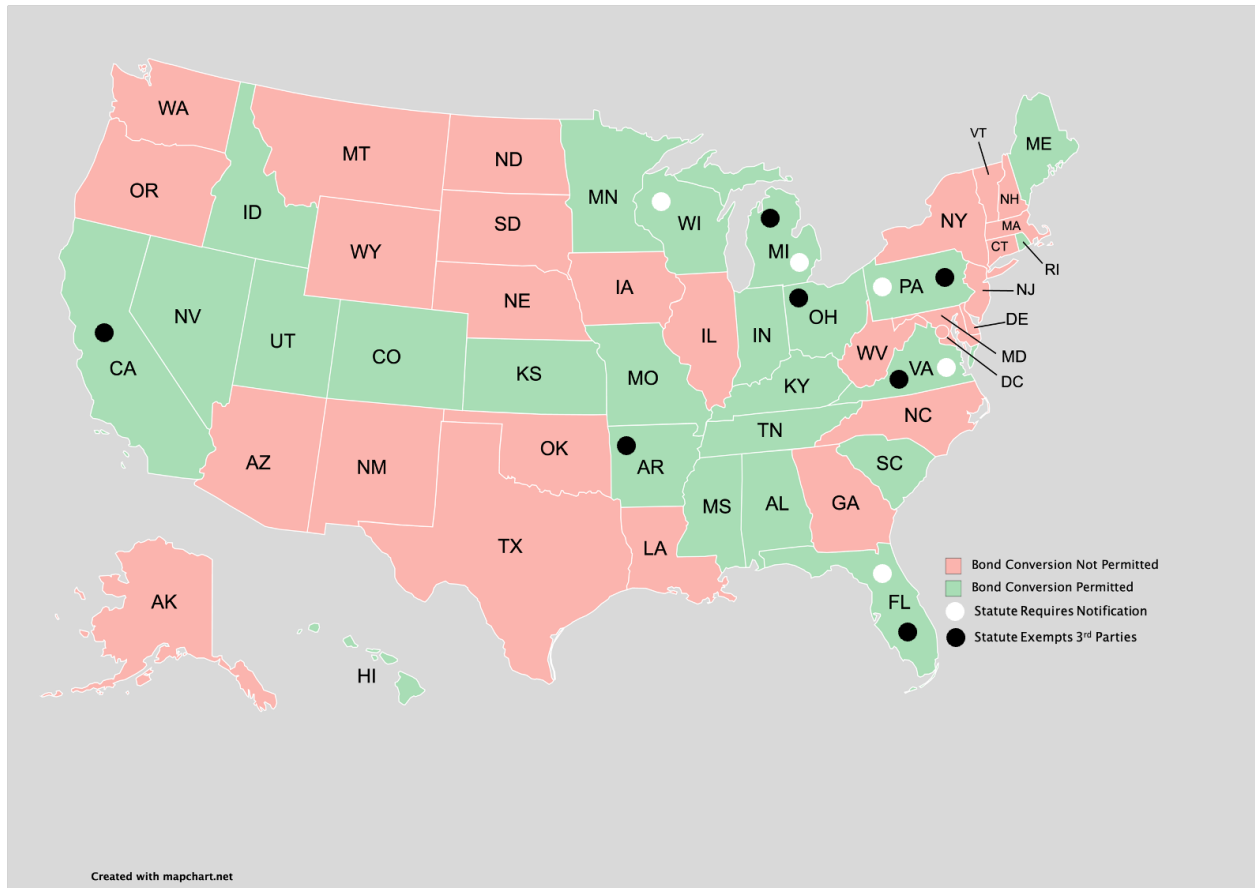


Figure 1b

Whether State Statute Permits Bond Conversion & Special Rules

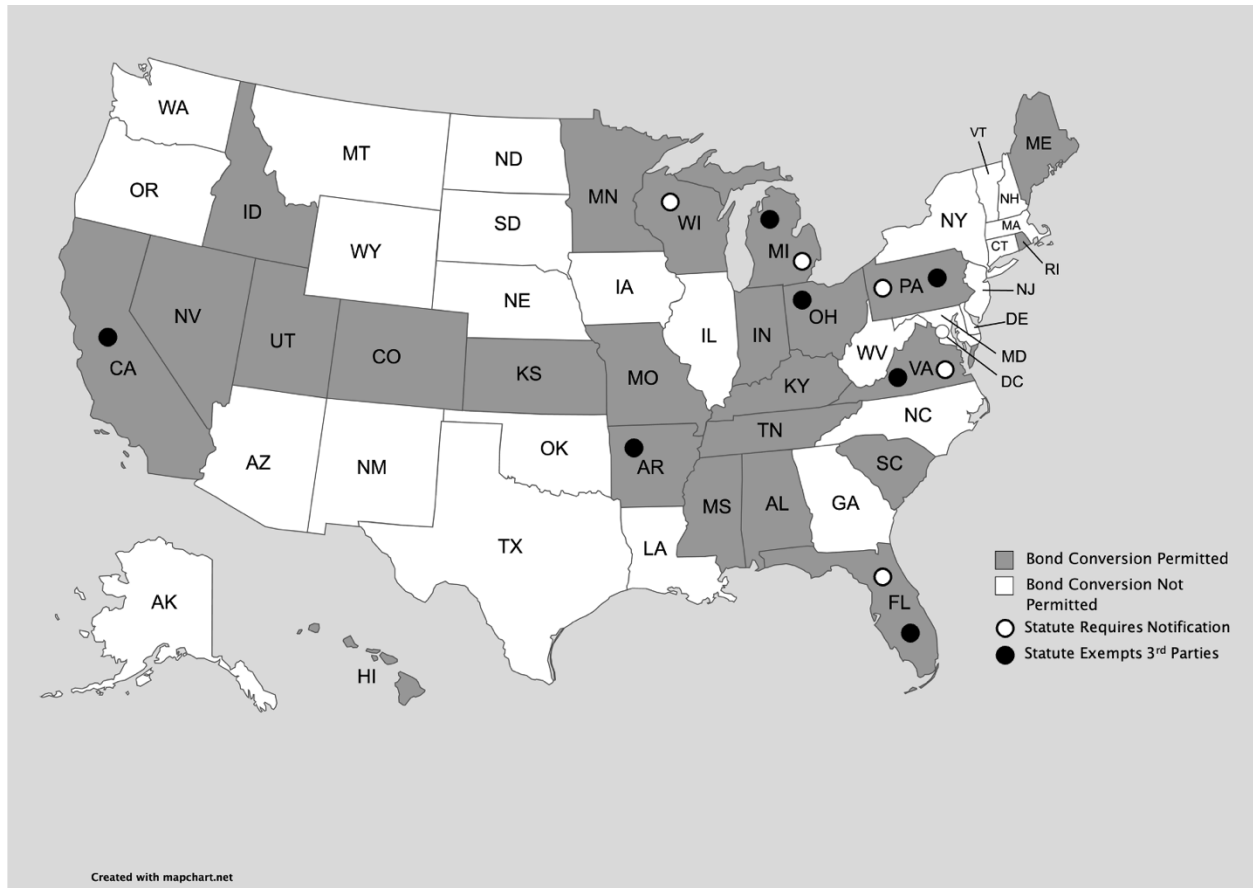
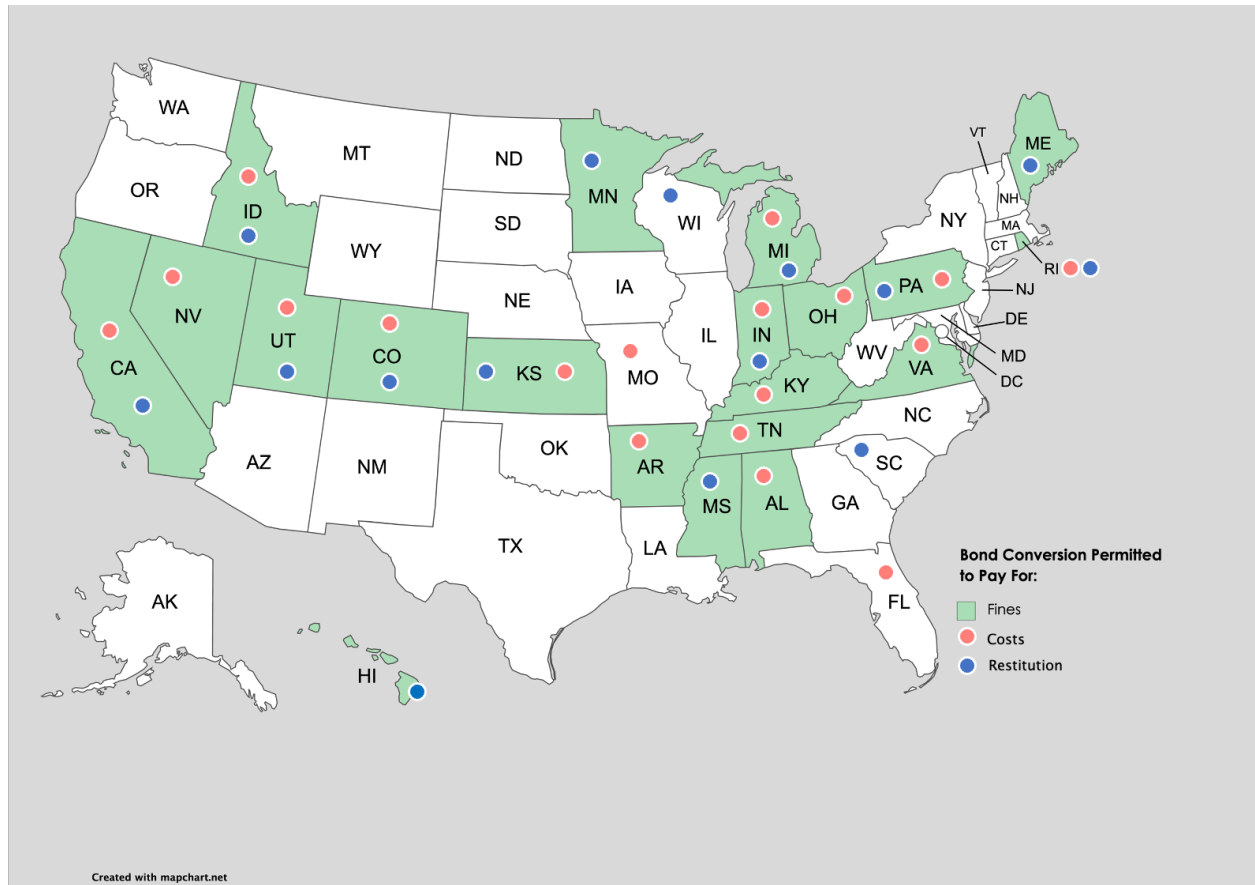


Figure 2a

Types of Legal Financial Obligations Bond Conversion is Permitted to Pay for by State Statute



Types of Legal Financial Obligations Bond Conversion is Permitted to Pay for by State Statute

