

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF SENATE BILL 513:

Conditions of Pretrial Release - Home Detention Monitoring

TO: Chairman William C. Smith, and Members of the Senate Judiciary Proceedings Committee

FROM: Derrell Frazier, Policy Advocate

DATE: February 19, 2020

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates for policies and programs to increase the skills, job opportunities, and incomes of low-wage workers and job seekers in Maryland. JOTF supports SB 513 as a means to ensure that un- and underemployed pretrial defendants are not pushed further into debt, which they simply cannot repay, in order to ensure their ability to access pretrial release through electronic monitoring.

For the 10 percent of Marylanders living below the federal poverty line, the management and repayment of even small debts can be a major challenge. This challenge is further exacerbated for those with a criminal record, a significant barrier to employment. However, despite these known obstacles, those who interact with the criminal justice system are levied with fees and other criminal justice system fines in order to access pretrial release. While Maryland has moved away from the “cash bail” system, other forms of release are still similarly situated. Simply put, there are still significant fees related to pretrial release and heavy fines allocated to those who fail to comply with their pretrial release conditions without any regard for the defendant’s ability to pay.

JOTF’s recently released report entitled, “The Criminalization of Poverty,” studies how the fines and fees related to the criminal justice system burden the poor, even once they are released. Studies show that 80 to 85 percent of those who are released have debt due to fees incurred while incarcerated, which includes fees for electronic monitoring, home detention monitoring and GPS monitoring. This estimates to approximately 10 million individuals who owe more than \$50 billion in debt that is likely to never be repaid due to financial circumstance. This debt further impoverishes already indigent individuals, who lack access to educational opportunity and are less employable due to their criminal record.

The assessment of fees onto those who are incarcerated, especially pretrial, creates an unbreakable cycle that can be fixed by assessing the ability to pay beforehand and granting waivers to defendants who show an inability to do so. An inability to pay is simply that, regardless of the amount or time given to pay it. Additionally, the costs, although insurmountable, place many defendants in the arduous position of choosing between compliance with their conditions to maintain their freedom or maintaining their households.

Senate Bill 513 seeks to address this issue by providing a fee waiver to pretrial “indigent defendants” for electronic monitoring for home detention. To be clear, this bill does not prohibit the collection of fees for everyone and still allows for those who have an ability to pay to do so. If enacted, this bill would simply prohibit the unnecessary levying of additional fees and fines on those who have the least capacity to pay

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them. This kind of waiver is already offered for those who are on home detention monitoring for probation or parole. Therefore, it should be extended to those who are pretrial, which means these defendants have not been convicted.

JOTF strongly opposes any legislation that encourages a restructuring of the punitive criminal justice system that disproportionately impacts and punishes the low-wage job seekers of Maryland. We believe that what is proposed in SB 513 is a significant step towards ensuring that those who are released have a fighting chance at employment and working wages. For these reasons, we urge a favorable report of this bill.