



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

## OFFICE OF THE COUNTY EXECUTIVE

**BILL:** House Bill 49 – Criminal Procedure – Pretrial Release – Pretrial Risk Assessment Instruments

**SPONSOR:** Delegate Palakovich Carr

**HEARING DATE:** January 21, 2020

**COMMITTEE:** Judiciary

**CONTACT:** Intergovernmental Affairs Office, 301-780-8411

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**POSITION:** SUPPORT WITH AMENDMENTS

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The Office of the Prince George's County Executive **SUPPORTS House Bill 49 WITH AMENDMENTS**. This legislation requires jurisdictions that use a pretrial risk assessment instrument to determine the eligibility of a defendant for pretrial release to have an independent validation study of the instrument conducted at least once every three years. This legislation could have a positive effect on existing pretrial release programs, by ensuring a lack of prejudice or bias when determining an individual's risk level for pretrial release. Unfortunately, it also will have a significant fiscal impact on the counties choosing to operate pretrial risk programs.

While the Office of the County Executive is in favor of the premise of this proposed legislation, several changes must be made for its successful implementation statewide. First, although the Office of the County Executive supports the intent of this legislation, the significant cost to the County is prohibitive. The cost of the validation process ranges from \$80,000 to \$100,000 every three years, although the cost may be decreased somewhat after the base data is collected. This is a heavy burden for local jurisdictions to bear in order to continue or start pretrial release programs. Therefore, State funding will be necessary for this legislation to be implemented.

Second, the validation process takes up to one year to be completed. While the process should be recurring, the three-year mandate is too frequent. By the time correctional facilities finish the validation process, there will not be much time before the process has to be redone.

Based on the foregoing, the Office of the County Executive suggests the following amendments. First, the bill should be amended to have the State of Maryland pay for the validation process. This could also eliminate the possibility that counties that

currently do not operate pretrial release programs, delay doing so, because of the cost requirement in having their risk assessment instrument validated. If the Counties are deterred from operating pretrial release programs because of the cost, the proposed legislation could negate its purpose. Second, we would recommend changing the validation period to five years, instead of three years.

For the reasons stated above, the Office of the Prince George's County Executive **SUPPORTS House Bill 49 WITH AMENDMENTS** and asks for a **FAVORABLE** report with the suggested amendments.