



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

**TO:** The Honorable Luke Clippinger, Chairman and  
Members of the Judiciary Committee

**FROM:** Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee  
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

**DATE:** January 28, 2020

**RE:** **HB 82 Criminal Procedure - Pretrial Release - Reimbursement of Special  
Condition Costs**

**POSITION:** OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE HB 82. HB 82 would require counties to reimburse defendants that have been found not guilty for costs they incurred to comply with pretrial conditions judges imposed.

While the intention of HB 82 may be to address costs imposed on defendants, the bill may have unintended consequences that may disincentivize pretrial programs and subsequently harm the very defendants it is intending to help. Many counties do not charge fees for their pretrial programs and fees for indigent defendants are already waived in many circumstances across the criminal justice system. The costs that remain are nebulous or potentially significant. These include transportation costs associated with the special conditions and costs for substance use disorder or mental health treatment. Counties would also be forced to reimburse for the costs of private electronic monitoring which a defendant may opt for and corporate surety fees. Because the ultimate disposition of a case is outside of their control, counties would not even be able to budget for these reimbursements.

As a result, counties may be forced to reconsider their use of limited resources. If HB 82 passes, some counties may need to consider whether it is feasible to offer pretrial services and whether they have the fiscal resources to reimburse for them, if necessary. Criminal justice reform efforts have encouraged the expansion of pretrial services. HB 82 could deter jurisdictions from implementing or continuing these services.

For these reasons MCPA and MSA OPPOSE HB 82 and urge and UNFAVORABLE committee report.