



**Testimony for the House Judiciary Committee
January 28, 2020**

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

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The ACLU of Maryland supports HB 82, which would require jurisdictions to reimburse individuals who have been found not guilty for any fees imposed pursuant to their conditions of pretrial release.

Supervision fees may amount to debtors' prisons

More than three decades ago, the U.S. Supreme Court clearly established that the promises of equality and fairness embedded in the Fourteenth Amendment to the U.S. Constitution protect against the jailing of poor people simply because of their inability to pay. Yet, for many defendants throughout the state, the fees associated with pretrial release may be prohibitively high. Consider for example, Calvert County where a defendant is charged \$12 for each urinalysis and \$5 per day for GPS monitoring—that is about \$150 per month. In Carroll County, defendants are charged \$10 per day, or \$300 per month for GPS monitoring.¹ Families go into debt, bills go unpaid and groceries are foregone in order to pay fees for basic pretrial services. Failure to pay these fees may result in re-incarceration, and the resulting cycle of poverty and jail can be nearly impossible to escape. Worse, these are persons who the courts determined were safe enough to be released while they await their trial and in the case of HB 82, persons who were ultimately found not guilty.

Supervision fees are fraught with potential conflicts of interest

The collection of fees by local jurisdictions raises serious conflict of interest concerns. The collection of fees by the government creates a conflict of interest because the government now has a financial interest in ordering pretrial services for defendants. In 2019, Prince George's County reported that it collects \$34,237 annually from pretrial services fees. The fiscal and policy note accompanying HB 758 (2019) noted that the reimbursement of these fees could total \$2.3million annually.² Although many other jurisdictions report that they do not collect fees for pretrial services, it is foreseeable that should pretrial

¹ HB 480 Criminal Procedure - Pretrial Release – Fees, Fiscal and Policy Note (2018).

² HB 758 Criminal Procedure - Pretrial Release - Reimbursement of Special Condition Costs, Fiscal and Policy Note (2019).



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services be expanded in the future, the potential accompanying fees could be a significant revenue generator for local governments.

For these reasons, we urge a favorable report on HB 82.