



The Delivery of Legal Services Section Council

BILL NO: Senate Bill 898
TITLE: Maryland Criminal Justice Debt Elimination and Prevention Act
of 2021
COMMITTEE: Judicial Proceedings
HEARING DATE: March 10, 2021
POSITION: **SUPPORT**

The Delivery of Legal Services Section (DLS) is a section of the Maryland State Bar Association formed to promote the fair administration of justice in the State of Maryland. The Section supports and encourages free or low-cost legal services for people of limited means through legal services programs for the indigent, public interest legal organizations, *pro bono publico*, reduced fee, and other alternatives to traditional fee-for-service representation to provide access to the courts and court alternatives for the resolution of disputes. The areas include legal practice and legal reform for the indigent and persons of modest means, for example, civil rights, consumer advocacy, civil and criminal legal services, and lawyer referral services. The Section Council is comprised of a mix of practicing attorneys, including those working for civil legal aid organizations, private practitioners, and government attorneys, who all share a common goal: increasing access to justice.

The DLS urges a favorable report on Senate Bill 898. This legislation would greatly reduce the fees indigent Marylanders pay when they are criminal defendants. According to a recent report by the American Bar Association, fines and fees associated with criminal justice system disproportionately burdens lower-income communities and communities of color.ⁱ This bill would eliminate these fees while removing the possibility of imprisonment for lack of payment.

Under the current law, a criminal defendant is subject to fines and fees at every stage of the criminal justice system, from pre-conviction to parole. These fees include court fees for administrative costs and restitution, and electronic monitoring for home detention for pretrial, probation, and work release. Additional fees are levied on defendants with drug or alcohol-related charges for mandatory testing and vehicle interlock devices. For defendants with drug or alcohol-related charges, fees include mandatory testing and vehicle interlock devices. In addition to the initial costs, the Central Collection Unit (CCU) may assess a fee of 17% for late payments and interest.ⁱⁱ The fees continue post-conviction, with additional costs for access to records and expungement.

The fines and fees for an indigent defendant can add up quickly, parole and probation cost \$50 a month,ⁱⁱⁱ home detention is a \$34 initial fee with a \$75 weekly cost and electronic monitoring ranges from \$300-400 a month,^{iv} work release programs average \$135 a week,^v drug testing costs \$100 per test,^{vi} and criminal record expungement is \$30 per filing.^{vii} For a Marylander



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struggling to keep up with the costs of housing, food, childcare, and clothing, these fees can be crippling and can ultimately lead to a cycle of debt for which it is nearly impossible to recover. DLS members have seen firsthand when individuals get behind on types of fees addressed in this legislation, specifically times when our clients are faced with choosing between paying for rent and food or contending with court fines and fees. The current pandemic has made paying these costs even more difficult for our clients, with many having suffered major economic setbacks. This legislation addresses a person's ability to pay while prohibiting imprisonment for nonpayment. In a time when so many Marylanders are struggling, this legislation could provide hope and a clearer path for criminal defendants to become more productive members of society.

For these reasons, the DLS strongly supports SB898 and urges a favorable report.

ⁱ Criminal Justice Debt Problems. John Mathews II and Felipe Curiel. November 30, 2019. https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/economic-justice/criminal-justice-debt-problems/

ⁱⁱ State Finance and Procurement §3–302.

ⁱⁱⁱ Criminal Procedure §6–226.

^{iv} [Business Occupations and Professions §20–308](#).

^v [Correctional Services §11–704](#)

^{vi} Criminal Procedure §6–226 (g)(1)(i).

^{vii} [Criminal Procedure §10–101.1 \[amended\]](#)