

SB 898 - MD Criminal Justice Debt Elimination Act.

Uploaded by: Brown, Kerianne

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 45. I am testifying **in support of Senate Bill 898**.



Senate Bill 898 limits the fees which can be placed on incarcerated individuals and altering the assessment of charging home monitoring fees.

A person incarcerated in a Maryland prison may be expected to cover their medical expenses, food, lodging, clothing, transportation, child support and taxes for each day they spend in prison or are awaiting trial. Additionally, many of these fines are discretionary, leaving it to internal staff to determine what a "reasonable" fine should be, in addition to any others already listed. These bills seek to limit the level of discretion to stop the exorbitant debt one can incur while incarcerated.

Economically, the "pay to stay" fee does more to hurt taxpayers and the state overall by engaging in a cycle of trying to offset costs to a system that should not be fueled in the first place. According to a Brennan Center report, an estimated 10 million people now owe more than \$50 billion as a result of incarceration charges. Additionally, without these bills, those leaving prison or placed under home surveillance can be charged over \$400 per month simply for ankle monitoring services. It should also be noted that due to the pandemic, a majority of those awaiting trial, not convicted, have been forced to pay for ankle monitoring and failure to do so puts them at risk of awaiting trial in prison. The pandemic has additionally left many trials pending indefinitely, therefore these payments are indefinite. With inescapable debt coupled with businesses' biased based hiring practices, those found to be newly "free" are not free in any sense of the word. Under the current regime, they are permanently imprisoned by debt. Limited economic ability further compels people to engage in increasingly risky behavior as a solution to simply survive. Without these bills, taxpayers are not offsetting a cost, they are simply paying to create a larger, concentrated pool of lower socioeconomic victims to pull from into the incarceration system, which inherently increases the costs to the state as more people are cycled into the regime.

Finally, it should be noted that the current regime infringes upon the people's constitutional rights to be free of harsh economic burdens placed upon them by the State. The 8th Amendment of the Constitution reads, "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Imposing fines that degrade a person's economic standing beyond any means which would allow them true freedom, is excessive. Imposing fines that are infinite and unattainable, is excessive. We are no longer best serving the people of this state with our current statutory regime, we are further imprisoning our citizens who deserve support and the right to future opportunity.

It is for these reasons that I am encouraging you to **vote in support of Senate Bill 898**.

Thank you for your time, service, and consideration.

Sincerely,

Kerianne Brown

4404 Bayonne Avenue

Baltimore, MD 21206

Showing Up for Racial Justice Baltimore

Testimony_JPC_SB0898.pdf

Uploaded by: Carter, Jill

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Jill P. Carter
In Favor of SB0898 - Maryland Criminal Justice Debt
Elimination and Prevention Act of 2021
Before the Judicial Proceedings Committee
on March 10, 2021

Good Afternoon, Mr. Chair, Mr. Vice-Chair and Members of the Committee,

I am excited to present Senate Bill 898, the Maryland Criminal Justice Debt Elimination and Prevention Act of 2021 today. This is an ambitious bill that has many moving parts and far-reaching implications based on one unifying principle - that we, as a State, have decided that it is time to eradicate the criminalization of poverty in whatever corner of the Maryland Code it may be lurking.

It is time to make good on the promise enshrined in Section 38 of the Maryland Constitution - “No person shall be imprisoned for debt”. To realise this goal, Senate Bill 898 removes prison as a punishment from no fewer than nine

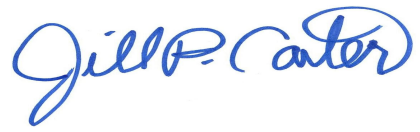
traffic offenses that turn on the defendants' ability to pay fines, fees, or costs. Further, it eliminates fees for expunging a criminal conviction, fees for room and board while a person is being held in local jail, fees for mandatory drug and alcohol testing, fees for the collection of restitution (not the restitution itself), fees for home detention, and fees for administration of a jury trial. These costs have made it nearly impossible for people of limited means to get on the right side of the criminal justice system even after they have completed their sentences and probation.

An important point of this bill is that it requires an indigency determination when assessing fines and costs. This is not wholesale elimination of all fines, fees, and costs.

I am not asking that we eliminate the consequences of wrongdoing, I am asking that we simply stop the criminalization of poverty.

This bill does exactly that. The benefits of bringing Marylanders back into productive, lawful citizenship are hard to quantify but are significant. Keeping someone imprisoned by debt long after they have served their sentence should not be our goal. As such, I request a favorable report from our committee on this bill.

Respectfully,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive style with a large, looping initial "J" and a distinct "P" and "C".

Jill P. Carter

SB 898 - MD Criminal Justice Debt Elimination Act.

Uploaded by: Chan, Sam

Position: FAV

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Thank you for your time, service, and consideration.

Sincerely,

Sam L Chan

207 E. Preston St. Apt 3A

Baltimore MD 21202

Showing Up for Racial Justice Baltimore

SB 898 PJC favorable testimony (1).pdf

Uploaded by: Dews, Christopher

Position: FAV



Debra Gardner, Legal Director
Public Justice Center
201 North Charles Street, Suite 1200
Baltimore, Maryland 21201
410-625-9409, ext 228
gardnerd@publicjustice.org

SB 898

Maryland Criminal Justice Debt Elimination and Prevention Act of 2021

Hearing before the Senate Judicial Proceedings Committee, March 10, 2021

Position: SUPPORT

The Public Justice Center (PJC) supports SB 898 as a critical component of criminal justice reform that is long overdue.

In collaboration with the Coalition for a Safe and Just Maryland, the PJC has long fought the imposition of fees, charges, and resulting debt on individuals interacting with the criminal justice system, beginning with unaffordable bail. Other fees charged in connection with criminal proceedings are also unconstitutional when imposed on indigent people, and the great majority of those targeted by and caught up in the system are in fact indigent. Because of this, criminal justice debt traps people in poverty even long after they have served their time, adding to their inability to find decent housing, jobs, and to support their families. It can even result in a return to jail for inability to pay. And Black and brown individuals and communities throughout Maryland bear far more than their share of these burdens, because they are both disproportionately poor and disproportionately targeted for criminal prosecution.

Many of these unfair and burdensome debts are imposed on those presumed innocent, including, as just one example, unaffordable fees for GPS monitoring during pretrial release. Among the most ironic is the application fee for representation by a public defender. The public defender represents only those who are indigent; by definition they cannot constitutionally be required to pay for a lawyer. Moreover, a significant majority of those who face criminal charges in Maryland are never convicted; thus, these debts bear down on the lives and families not just of people who are presumed innocent but on many thousands who *are* innocent. Yet the debt remains.

The PJC is a non-profit legal advocacy organization that pursues racial equity and an end to poverty. Its Prisoners Rights Project seeks basic justice through reform in the criminal justice system and an end to all unnecessary detention and incarceration. Decriminalizing poverty is critical to achieving those goals.

The PJC urges a FAVORABLE REPORT on SB 898. If you have any questions, please feel free to contact Debra Gardner, Legal Director, at gardnerd@publicjustice.org or 410 625 9409 ext 228.

SB898_FAV_JOTF (1).pdf

Uploaded by: Dews, Christopher

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF SENATE BILL 898:

Maryland Criminal Justice Debt Elimination and Prevention Act of 2021

TO: Hon. William Smith, and Members of the Senate Judicial Proceedings Committee

FROM: Korey Johnson Esq., Senior Policy Research Analyst; and Coalition Members

DATE: March 11th, 2021

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-skill, low-wage workers and job seekers in Maryland. We strongly support Senate Bill 898 as a means of reducing the devastating impact of court related fines and fees on low-income communities in Maryland.

In 2018, JOTF released a report called “[The Criminalization of Poverty](#)” which dissects the pathways in which Maryland residents from impoverished communities unjustly encounter the Criminal Justice System. Part II of the report goes forward to outline how extensive fines and fees related to interactions with the criminal justice system impoverish Marylanders, specifically lower-income communities of color. These “fees for service” include court-related fees (administrative, jury, and restitution), home detention, parole and probation, public defender representation (application and reimbursement), jail room and board (especially for pretrial), mandatory drug and alcohol testing, vehicle interlock devices, criminal record expungement, as well as interest and late fees from the Central Collections Unit (CCU). The goal of fees is often to recoup costs and generate revenue.

Marylanders from low-income communities, particularly communities of color, often find themselves strapped with significant court-related debts that can be impossible to pay. In 2018, Alexes Harris, a sociologist at the University of Washington, estimates that 80-85% of incarcerated persons now leaving prison owe criminal justice costs. This is estimated to amount to some 10 million Americans who owe more than \$50 billion in criminal justice debt.

Maximizing on the misfortune of the indigent is the Central Collections Unit (CCU) which layers on tremendous amounts of interest - averaging around 17% - to the already unpayable debts. The CCU is entirely funded off of the money collected from debtors and as such are incentivized, perhaps incidentally, to increase penalties unnecessarily. The current business model is unsustainable and disproportionately harms indigent Marylanders who lack the capital to pay down such fees.

The district and circuit [fee schedule](#) show that a variety of hefty fees for service for almost every interaction with the courts regarding criminal justice. They serve to further impoverish already indigent individuals and keep them in a spiral of debt. Some specific fees that Senate Bill 898 seeks to eliminate are as follows:

- Criminal Cases - Filing Fee: \$80
- Criminal Cases - Cost if Convicted: \$45
- Criminal Cases - Cost if of a non-jailable offense: \$3
- Expungement (Guilty Dispositions) - \$30
- Expungement (Appeal from district court): \$115
- Removals from circuit court to circuit court: \$60
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JOTF JOB OPPORTUNITIES TASK FORCE

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- Jury Costs - costs for unused jurors & expense of transporting jurors: variable

The Department of Parole and Probation also reports that they charge a monthly fee of \$40 for every individual on parole and \$50 to every individual on probation. These fees are used to reimburse the department for services rendered and are assigned by either the judge (probation), commissioner (parole), or other judicial official that the court deems suitable. [Data](#) from the National Institute of Corrections reports that as on December 31, 2018, Maryland Department of Corrections had 70,248 persons on probation and 10,338 on parole. When applying the probationary fee of \$50 to this population for the month of December, we arrive at a grand total of over \$3.5 million to the state; expanding annually, the total cost to individuals of probation would be over \$42 million. Considering Parole, the monthly intake is \$413,520 or nearly \$5 million annually. Using the December numbers as an experimental basis, it is safe to assume that the state collected \$47 million annually from this program.

The dire concern with Parole and Probation fees revolve around the consequences for an individual that does not have the ability to pay. Non-payment counts as a violation of probation which risks incarceration and the fee is sent directly to the Central Collections Unit which adds on average 17% to the debt. In certain circumstances, the judge, commissioner, or leading judicial official can waive payments but this does not occur often. As such, the current system effectively operates as a debtor's prison, which is illegal under section 38 of the Maryland Constitution. Senate Bill 898 seeks to realign our parole and probation practices with our state's edicts.

Next for consideration is possible reimbursement fees for the use of a public defender. A public defender is allotted by constitutional mandate to any individual facing a trial that could potentially lead to incarceration. Individuals who qualify as indigent under Criminal Procedure §16–210 are entitled to use the services of a public defender and are supposed to receive this service for free. However, data is mixed on defendants owing reimbursement fees throughout the state. Some counties have charged individuals post trial reimbursement fees if the trial ended in a guilty disposition. Senate Bill 898 ensures that defendants will not be forced to pay for this constitutionally free service.

Lastly, there is the variable cost of home detention and drug and alcohol testing. Nearly half of the state's jurisdictions charge a variable fee for participating in public home detention programs and many judges, during bail review, can place defendants on private home detention monitoring which charges exorbitant set up fees and over \$300 per month. ASAP home detention charged one of our clients as much as \$364 per month with the risk of non-payment counting as an incarcerable violation. Some counties charge up to \$75 per month for their state run home detention program. Though counties like Baltimore have moved to eliminate the public fees, this is not statewide and many jurisdictions (like Baltimore County) opt to use private services further impoverishing poor defendants. Beyond this is the \$100 flat fee for drug and alcohol testing that members on home detention, parole and probation also need to pay upfront to maintain their freedom. Senate Bill 898 seeks to mitigate these fees as well.

Given that Maryland's criminal justice system disproportionately (and at many times unnecessarily) burdens lower-income communities of color, Senate Bill 898 would build off legislation recently announced in New York to eliminate the majority of financial debts arising from court-related fines and fees. The fees up for elimination include court-related fees (administrative, jury, and restitution), home detention, parole and probation, public defender representation (application and reimbursement), jail room and board (specifically for pretrial), mandatory drug and alcohol testing, vehicle interlock devices, criminal record expungement, as well as interest and late fees from the Central Collections Unit (CCU). The mitigation of these fees would sharply reduce the amount of debt indigent populations face throughout the state. This will go a long way in reducing punitive

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

damages on financially vulnerable Marylanders. For these reasons, we strongly urge a favorable report on Senate Bill 898.

The following organizations supportive SB898:

1. Out for Justice (O4J)
2. Marylanders Against Poverty (MAP)
3. National Fines and Fees Justice Center
4. Maryland Center on Economic Policy
5. Leaders of a Beautiful Struggle
6. Public Justice Center
7. The Office of the Public Defender
8. Baltimore Action Legal Team
9. Maryland Volunteer Legal Services (MVLS)

SB 898 - MD Criminal Justice Debt Elimination Act

Uploaded by: Esposito, Lindsay

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD 45. I am a proud homeowner in the Greenmount West neighborhood and have been a Baltimore City voter for the last 12 years. I am testifying **in support of Senate Bill 898**.



Senate Bill 898 limits the fees which can be placed on incarcerated individuals and altering the assessment of charging home monitoring fees.

A person incarcerated in a Maryland prison may be expected to cover their medical expenses, food, lodging, clothing, transportation, child support and taxes for each day they spend in prison or are awaiting trial. Additionally, many of these fines are discretionary, leaving it to internal staff to determine what a "reasonable" fine should be, in addition to any others already listed. These bills seek to limit the level of discretion to stop the exorbitant debt one can incur while incarcerated.

Economically, the "pay to stay" fee does more to hurt taxpayers and the state overall by engaging in a cycle of trying to offset costs to a system that should not be fueled in the first place. According to a Brennan Center report, an estimated 10 million people now owe more than \$50 billion as a result of incarceration charges. Additionally, without these bills, those leaving prison or placed under home surveillance can be charged over \$400 per month simply for ankle monitoring services. It should also be noted that due to the pandemic, a majority of those awaiting trial, not convicted, have been forced to pay for ankle monitoring and failure to do so puts them at risk of awaiting trial in prison. The pandemic has additionally left many trials pending indefinitely, therefore these payments are indefinite. With inescapable debt coupled with businesses' biased based hiring practices, those found to be newly "free" are not free in any sense of the word. Under the current regime, they are permanently imprisoned by debt. Limited economic ability further compels people to engage in increasingly risky behavior as a solution to simply survive. Without these bills, taxpayers are not offsetting a cost, they are simply paying to create a larger, concentrated pool of lower socioeconomic victims to pull from into the incarceration system, which inherently increases the costs to the state as more people are cycled into the regime.

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It is for these reasons that I am encouraging you to vote in support of Senate Bill 898.

Thank you for your time, service, and consideration.

Sincerely,
Lindsay Esposito
434 E. Oliver, Baltimore, MD 21202
Showing Up for Racial Justice Baltimore

SB 898 - MD Criminal Justice Debt Elimination Act.

Uploaded by: Fertig, Benjamin

Position: FAV

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Sincerely,

Benjamin Fertig

2722 Quarry Heights Way, Baltimore, MD 21209

Showing Up for Racial Justice Baltimore

SB 898 - MD Criminal Justice Debt Elimination Act

Uploaded by: Hauck, Barbara

Position: FAV

Dear Members of the Judicial Proceedings Committee,

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Sincerely,
Barbara Hauck (she/her/hers)
3420 Harford Road
Baltimore, MD 21218
Showing Up for Racial Justice Baltimore

SB898 Favorable Johnson.pdf

Uploaded by: Johnson, Korey

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF SENATE BILL 898:

Maryland Criminal Justice Debt Elimination and Prevention Act of 2021

TO: Hon. William Smith, and Members of the Senate Judicial Proceedings Committee

FROM: Korey Johnson, Esq. Senior Policy Research Analyst & Coalitional Partners Endorsement

DATE: Tuesday, March 9, 2021

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JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

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Next for consideration is possible reimbursement fees for the use of a public defender. A public defender is allotted by constitutional mandate to any individual facing a trial that could potentially lead to incarceration. The vast majority of individuals who use the services of a public defender qualify as indigent under Criminal Procedure §16–210 and are supposed to receive this service for free. However, data is mixed on defendants owing reimbursement fees throughout the state. Some counties have charged individuals post trial reimbursement fees if the trial ended in a guilty disposition. Senate Bill 898 ensures that defendants will not be forced to pay for this constitutionally free service.

Lastly, there is the variable cost of home detention and drug and alcohol testing. Nearly half of the state's jurisdictions charge a variable fee for participating in public home detention programs and many judges, during bail review, can place defendants on private home detention monitoring which charges exorbitant set up fees and over \$300 per month. ASAP home detention charged one of our clients as much as \$364 per month with the risk of non-payment counting as an incarcerable violation. Some counties charge up to \$75 per month for their state run home detention program. Though counties like Baltimore have moved to eliminate the public fees, this is not statewide and many jurisdictions (like Baltimore County) opt to use private services further impoverishing poor defendants. Beyond this is the \$100 flat fee for drug and alcohol testing that members on home detention, parole and probation also need to pay upfront to maintain their freedom. Senate Bill 898 seeks to mitigate these fees as well.

Given that Maryland's criminal justice system disproportionately (and at many times unnecessarily) burdens lower-income communities of color, Senate Bill 898 would build off legislation recently announced in New York to eliminate the majority of financial debts arising from court-related fines and fees. The fees up for elimination include court-related fees (administrative and jury), home detention, parole and probation, public defender representation (application and reimbursement), jail room and board (specifically for pretrial), mandatory drug and alcohol testing, vehicle interlock devices, criminal record expungement, as well as interest and late fees from the Central Collections Unit (CCU). The mitigation of these fees would sharply reduce the amount of debt indigent populations face throughout the state. This will go a long way in reducing punitive

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

damages on financially vulnerable Marylanders. For these reasons, we strongly urge a favorable report on Senate Bill 898.

The following organizations supportive SB898:

1. Out for Justice (O4J)
2. Marylanders Against Poverty (MAP)
3. National Fines and Fees Justice Center
4. Maryland Center on Economic Policy
5. Leaders of a Beautiful Struggle
6. Public Justice Center
7. The Office of the Public Defender
8. Baltimore Action Legal Team
9. Maryland Volunteer Legal Service (MVLS)

SB 898 Written Testimony.pdf

Uploaded by: Legal Aid, Maryland

Position: FAV



MARYLAND LEGAL AID

Advancing
**Human Rights and
Justice for All**

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01.2021



March 8, 2021

Honorable William C. Smith
Chairman, Judiciary Committee
Miller Senate Office Building, 2 East Wing
11 Bladen Street
Annapolis, MD 21401

RE: Testimony Supporting Senate Bill 898 – Maryland Criminal Justice Debt Elimination and Prevention Act of 2021

Dear Chairman Smith and Members of the Senate Judicial Proceedings Committee:

Thank you for the opportunity to provide testimony on this important bill. Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. MLA's Community Lawyering Initiative brings legal services directly into marginalized communities to ensure that the state's most vulnerable citizens have access to advocacy within the justice system. The Community Lawyering Initiative assists individuals and families with a wide array of legal issues, including criminal record expungement. Since July 2016, MLA has represented over 10,000 Marylanders with expungement cases and filed over 50,000 petitions for expungement. This has allowed clients greater access to housing, employment, and other opportunities for themselves and their families. MLA supports SB 898 and asks that this committee give it a favorable report.

SB 898 will benefit many Marylanders, especially those in communities that are subject to over-policing and other manifestations of systemic oppression. Criminal justice related fees disproportionately affect low-income communities and communities of color. As the law currently stands, individuals and families have the financial burden of filing fees for certain expungement petitions. These fees place an undue burden on low-income families and have a ripple effect on many aspects of daily life.

A criminal record affects the most critical aspects of a person's life. The collateral consequences for those unable to pay a filing fee for an expungement petition are myriad. Many Marylanders have lost jobs or been overlooked during the hiring process because of their record. It is difficult to even volunteer for community organizations while having a criminal record. Landlords often reject potential tenants when cases appear on background checks or the Maryland

Judiciary Case Search. There are also restrictions on federal housing benefits for those with criminal records.

When an individual successfully completes their sentence, their debt to society is paid. Therefore, placing an additional financial barrier on those individuals is counterintuitive, contradictory, and not rehabilitative. It comes as no surprise that obtaining employment is an integral part of reentry and reduces recidivism. Having a criminal record is one of the largest barriers to employment for those reentering society. Unfortunately, when an individual cannot afford filings fees for expungement, their criminal records remain and they are unlikely to gain employment. This creates a catch-22 in which citizens need work in order to afford to expunge their criminal records, but cannot work *because* of their criminal records. Eliminating filing fees will benefit returning citizens, reduce recidivism, and limit the collateral consequences of the criminal justice system.

MLA has saved clients almost one million dollars in expungement filing fees since 2016 (\$940,590). Filing fees have adverse and life altering impacts for people living in poverty. These fees cost low-income communities, particularly communities of color, their opportunities to lead fruitful, dignified lives. Maryland Legal Aid thanks you for the opportunity to provide input and urges the committee to give Senate Bill 898 a favorable report.

/s/ Charlotte Ahearn

Charlotte Ahearn, Esq.

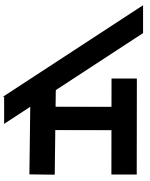
Staff Attorney

Maryland Legal Aid - Community Lawyering Initiative

SB 898_HPRP.pdf

Uploaded by: Madaio, Michelle

Position: FAV



HOMELESS PERSONS REPRESENTATION PROJECT, INC.

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SUPPORT – SB 898: Maryland Criminal Justice Debt Elimination and Prevention Act of 2021
Senate Judicial Proceedings Committee, March 10, 2021

Testimony of Temidayo Joseph, Linda Kennedy Fellow
Homeless Persons Representation Project, Inc.

The Homeless Persons Representation Project, Inc. (HPRP) is a non-profit civil legal services provider that provides free legal representation to people who are homeless or at risk of homelessness on legal issues that will lead to an end to homelessness. HPRP has provided free criminal record expungement services to thousands of low-income Marylanders.

SB 898 eliminates many court-related fines and fees that disproportionately burden lower-income communities of color and people experiencing homelessness.

In the United States and Maryland, people of color are disproportionately affected by poverty and housing instability, as well as our deeply flawed criminal justice system that includes over-policed communities, disproportionately higher searches, arrests, convictions, and longer sentences for Black people. Socio-economic inequalities, embedded in our racially biased and discriminatory systems, including accessing housing, health care, and education are indivisible from the circumstances that fuel mass incarceration and the criminalization of poverty.¹

Court-related fines and legal fees encourage a vicious cycle of poverty and incarceration placed upon the backs of the most vulnerable populations.² These fines and fees are essentially another unfair burden placed on the shoulders of the impoverished. They serve to further criminalize poverty and homelessness, placing an unattainable price on justice. People who cannot afford to pay fines and fees, risk arrest, civil judgment against them or even being imprisoned. These fees can affect an individual's credit scores and subsequent ability to secure housing which greatly increases the chance of recidivism, potential jail time, and racial inequality which all serve to further alienate people experiencing homelessness from regaining a place of comfort and stability in society.³

SB 898 will eliminate the filing fee currently attached to filing a petition for expungement, which will reduce barriers for people experiencing homelessness to accessing housing and employment.

In November of 2016, a report by the Maryland Office of the Public Defender concluded that the

1 United States Interagency Council on Homelessness, *Homeless Courts: Recognizing Progress and Resolving Legal Issues that Often Accompany Homelessness*, July 9, 2020, available at <https://www.usich.gov/news/homeless-courts-recognizing-progress-and-resolving-legal-issues-that-often-accompany-homelessness/>

2 Chandler, Ashlie, University of Washington, School of Public Health: *Could Court Fines and Fees be Keeping People Homeless*, July 1, 2019, available at <https://sph.washington.edu/news-events/news/could-court-fines-and-fees-be-keeping-people-homeless>

3 No Price on Justice, Fines and Fees Justice Center: *NY Lawmakers Introduce Bill To Eliminate Predatory Court Fines and Fees*, September 29, 2020 available at <https://finesandfeesjusticecenter.org/2020/09/29/press-release-ny-lawmakers-introduce-bill-to-eliminate-predatory-court-fines-fees/>

state's reliance on pretrial detention wealth-based schemes caused the incarceration of tens of thousands of citizens.⁴ Many Marylanders have charges on their criminal record even though they were not prosecuted, not found guilty, the charge was dismissed, and for convictions for crimes that are no longer crimes. Although these charges may be eligible for expungement from one's criminal record in Maryland, many people cannot afford the filing fee required to initiate the expungement process. Maryland's reliance on money-based schemes in facilitating criminal justice has caused a huge transfer of wealth from its poorest communities to the hands of local and state governments. The carrying out of justice should not be predicated by one's ability to fund the state's court systems.

SB 898 would eliminate improper incentives to police minority communities aggressively for financial revenue.

SB 898 presents the opportunity to correct the misuse of our criminal justice system in placing financial burdens upon vulnerable communities to benefit municipalities' bottom line. After the killing of Mike Brown in 2014, the U.S. Department of Justice investigated the city of Ferguson and found that the city, like most American cities, relied heavily on these fines and fees for revenue.⁵ Naturally, this produced an unjust and inequitable financial incentive to aggressively police people and violate their constitutional rights for the financial benefit of the city.⁶ In 2012, The United States Commission on Civil Rights, conducted a 50-state survey looking at the top 100 municipalities in terms of revenue stemming from fines and fees and found that almost 70% of the top 100 municipalities are located within Maryland and five other states.⁷

The elimination of fees under SB 898 will reduce one of the many barriers that people experiencing homelessness face in accessing housing and income stability, and the quality of life they deserve.

Please support SB 898 and issue a favorable report.

If you have any questions, please contact Temidayo Joseph, Linda Kennedy Fellow, Homeless Persons Representation Project at LKFellow@hprplaw.org

4 Dewolfe, Paul: *The High Cost of Bail: How Maryland's Reliance on Money Bail Jails the Poor and Cost the Community Millions*, March 13, 2017, available at https://www.publicdefenders.us/blog_home.asp?display=516

5 United States Department of Justice, Civil Rights Division: *The Ferguson Report: Department of Justice investigation of the Ferguson Police Department*, 53, p. 42 - 43 (2015), available at https://www.justice.gov/sites/default/files/opa/pressreleases/attachments/2015/03/04/ferguson_police_department_report.pdf

6 *Id.*

7 United States Commission on Civil Rights: *Targeted Fines and Fees Against Communities of Color*, at 24, available at https://www.usccr.gov/pubs/2017/Statutory_Enforcement_Report2017.pdf

SB 898 Maryland Criminal Justice Debt Elimination

Uploaded by: McKinney, Robin

Position: FAV



SB 898 Maryland Criminal Justice Debt Elimination and Prevention Act of 2021

Judiciary

March 10, 2021

Support

Chairman Smith, Vice-Chair and members of the committee, thank you for the opportunity to provide testimony in support of Senate Bill 898. This bill will repeal a number of fees from being levied on individuals during pretrial as well as after judgment.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program 'VITA', offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH's tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

Nearly 40% of all households in Maryland experience struggle in meeting all of their basic needs. Nine percent are below the federal poverty level while another thirty percent are not considered in poverty but still fall short in providing all the basic necessities.¹ A disproportionate number of individuals and families are people of color.² These numbers are based on households prior to the devastation of COVID-19 which will have driven many previously borderline households into those categories.

An important contributing element of this economic struggle for policymakers to consider are the fines and fees assessed in the criminal justice system. Reliable expert data reveal two important facts in relation to personal finances and the criminal justice system. One is that, to begin with, men and women with low-middle incomes have a greater chance of being arrested and incarcerated.³ And two, the fines and fees required by the criminal justice system often spiral and lead to burdensome criminal debt.⁴ This cycle, of the financially disadvantaged being at higher risk of court involvement and then being unable to keep pace with fines and fees and the additional penalties, does not occur in isolation but has major impacts on families, contributing to multigenerational poverty.⁵

It is unjust for economically disadvantaged communities to not only be exposed to a greater chance of incrimination but to then be required beyond their means to fund the system. Senate Bill 898 disallows these fines and fees that contribute to this cycle.

We encourage you to return a favorable report of SB 898. Thank you.

¹ <https://www.unitedforalice.org/state-overview/maryland>

² <https://www.unitedforalice.org/demographics/maryland>

³ <https://www.prisonpolicy.org/reports/income.html>

⁴ <https://www.hrw.org/report/2018/02/21/set-fail/impact-offender-funded-private-probation-poor#6122>

⁵ <https://www.americanprogress.org/issues/poverty/news/2020/04/15/483248/criminal-records-create-cycles-multigenerational-poverty/>

SB 898 - MD Criminal Justice Debt Elimination Act.

Uploaded by: Palmisano, Erica

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 12. I am testifying **in support of Senate Bill 898**.



Senate Bill 898 limits the fees which can be placed on incarcerated individuals and altering the assessment of charging home monitoring fees.

A person incarcerated in a Maryland prison may be expected to cover their medical expenses, food, lodging, clothing, transportation, child support and taxes for each day they spend in prison or are awaiting trial. Additionally, many of these fines are discretionary, leaving it to internal staff to determine what a "reasonable" fine should be, in addition to any others already listed. These bills seek to limit the level of discretion to stop the exorbitant debt one can incur while incarcerated.

Economically, the "pay to stay" fee does more to hurt taxpayers and the state overall by engaging in a cycle of trying to offset costs to a system that should not be fueled in the first place. According to a Brennan Center report, an estimated 10 million people now owe more than \$50 billion as a result of incarceration charges. Additionally, without these bills, those leaving prison or placed under home surveillance can be charged over \$400 per month simply for ankle monitoring services. It should also be noted that due to the pandemic, a majority of those awaiting trial, not convicted, have been forced to pay for ankle monitoring and failure to do so puts them at risk of awaiting trial in prison. The pandemic has additionally left many trials pending indefinitely, therefore these payments are indefinite. With inescapable debt coupled with businesses' biased based hiring practices, those found to be newly "free" are not free in any sense of the word. Under the current regime, they are permanently imprisoned by debt. Limited economic ability further compels people to engage in increasingly risky behavior as a solution to simply survive. Without these bills, taxpayers are not offsetting a cost, they are simply paying to create a larger, concentrated pool of lower socioeconomic victims to pull from into the incarceration system, which inherently increases the costs to the state as more people are cycled into the regime.

Finally, it should be noted that the current regime infringes upon the people's constitutional rights to be free of harsh economic burdens placed upon them by the State. The 8th Amendment of the Constitution reads, "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted". Imposing fines that degrades a person's economic standing beyond any means which would allow them true freedom, is excessive. Imposing fines that are infinite and unattainable, is excessive. We are no longer best serving the people of this state with our current statutory regime, we are further imprisoning our citizens who deserve support and the right to future opportunity.

It is for these reasons that I am encouraging you to vote in support of Senate Bill 898.

Thank you for your time, service, and consideration.

Sincerely,
Erica Palmisano
5580 Vantage Point Rd, Apt 5, Columbia, MD 21044
Showing Up for Racial Justice Baltimore

SB 898 - MD Criminal Justice Debt Elimination Act.

Uploaded by: Pereschuk, Alicia

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 43. I am testifying **in support of Senate Bill 898**.



Senate Bill 898 limits the fees which can be placed on incarcerated individuals and altering the assessment of charging home monitoring fees.

A person incarcerated in a Maryland prison may be expected to cover their medical expenses, food, lodging, clothing, transportation, child support and taxes for each day they spend in prison or are awaiting trial. Additionally, many of these fines are discretionary, leaving it to internal staff to determine what a “reasonable” fine should be, in addition to any others already listed. These bills seek to limit the level of discretion to stop the exorbitant debt one can incur while incarcerated.

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It is for these reasons that I am encouraging you to vote in support of Senate Bill 898.

Thank you for your time, service, and consideration.

Sincerely,

Alicia Pereschuk

404 W 29th St

Baltimore MD 21211

Showing Up for Racial Justice Baltimore

SB 898 - MD Criminal Justice Debt Elimination Act.

Uploaded by: Rehr, Nathan

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 45. I am an active member of my community association and a health professional who is interested in eliminating the health disparities that occur with racial discrimination in our society. I am testifying **in support of Senate Bill 898**.



Senate Bill 898 limits the fees which can be placed on incarcerated individuals and altering the assessment of charging home monitoring fees.

A person incarcerated in a Maryland prison may be expected to cover their medical expenses, food, lodging, clothing, transportation, child support and taxes for each day they spend in prison or are awaiting trial. Additionally, many of these fines are discretionary, leaving it to internal staff to determine what a “reasonable” fine should be, in addition to any others already listed. These bills seek to limit the level of discretion to stop the exorbitant debt one can incur while incarcerated.

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It is for these reasons that I am encouraging you to vote in support of Senate Bill 898.

Thank you for your time, service, and consideration.

Sincerely,

Nathan Rehr

450 E. Federal Street Baltimore, MD 21202

Showing Up for Racial Justice Baltimore

SB 898 - MD Criminal Justice Debt Elimination Act.

Uploaded by: Rochkind, Jonathan

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 43 I am testifying **in support of Senate Bill 898**.



Senate Bill 898 limits the fees which can be placed on incarcerated individuals and altering the assessment of charging home monitoring fees.

A person incarcerated in a Maryland prison may be expected to cover their medical expenses, food, lodging, clothing, transportation, child support and taxes for each day they spend in prison or are awaiting trial. Additionally, many of these fines are discretionary, leaving it to internal staff to determine what a "reasonable" fine should be, in addition to any others already listed. These bills seek to limit the level of discretion to stop the exorbitant debt one can incur while incarcerated.

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It is for these reasons that I am encouraging you to vote in support of Senate Bill 898.

Thank you for your time, service, and consideration.

Sincerely,

Jonathan Rochkind
755 Melville Ave
Baltimore MD 21218

Showing Up for Racial Justice Baltimore

SB 898 - MD Criminal Justice Debt Elimination Act.

Uploaded by: Rosenthal, Anne

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 40. I am testifying **in support of Senate Bill 898**.



Senate Bill 898 limits the fees which can be placed on incarcerated individuals and altering the assessment of charging home monitoring fees.

A person incarcerated in a Maryland prison may be expected to cover their medical expenses, food, lodging, clothing, transportation, child support and taxes for each day they spend in prison or are awaiting trial. Additionally, many of these fines are discretionary, leaving it to internal staff to determine what a “reasonable” fine should be, in addition to any others already listed. These bills seek to limit the level of discretion to stop the exorbitant debt one can incur while incarcerated.

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It is for these reasons that I am encouraging you to vote in support of Senate Bill 898.

Thank you for your time, service, and consideration.

Sincerely,

Anne Rosenthal

810 Cathedral St, Baltimore, MD 21201

Showing Up for Racial Justice Baltimore

SB 898 - MD Criminal Justice Debt Elimination Act.

Uploaded by: Schmitz, Martha

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 42B. I am testifying **in support of Senate Bill 898**.



Senate Bill 898 limits the fees which can be placed on incarcerated individuals and altering the assessment of charging home monitoring fees.

A person incarcerated in a Maryland prison may be expected to cover their medical expenses, food, lodging, clothing, transportation, child support and taxes for each day they spend in prison or are awaiting trial. Additionally, many of these fines are discretionary, leaving it to internal staff to determine what a “reasonable” fine should be, in addition to any others already listed. These bills seek to limit the level of discretion to stop the exorbitant debt one can incur while incarcerated.

Economically, the “pay to stay” fee does more to hurt taxpayers and the state overall by engaging in a cycle of trying to offset costs to a system that should not be fueled in the first place. According to a Brennan Center report, an estimated 10 million people now owe more than \$50 billion as a result of incarceration charges. Additionally, without these bills, those leaving prison or placed under home surveillance can be charged over \$400 per month simply for ankle monitoring services. It should also be noted that due to the pandemic, a majority of those awaiting trial, not convicted, have been forced to pay for ankle monitoring and failure to do so puts them at risk of awaiting trial in prison. The pandemic has additionally left many trials pending indefinitely, therefore these payments are indefinite. With inescapable debt coupled with businesses’ biased based hiring practices, those found to be newly “free” are not free in any sense of the word. Under the current regime, they are permanently imprisoned by debt. Limited economic ability further compels people to engage in increasingly risky behavior as a solution to simply survive. Without these bills, taxpayers are not offsetting a cost, they are simply paying to create a larger, concentrated pool of lower socioeconomic victims to pull from into the incarceration system, which inherently increases the costs to the state as more people are cycled into the regime.

Finally, it should be noted that the current regime infringes upon the people’s constitutional rights to be free of harsh economic burdens placed upon them by the State. The 8th Amendment of the Constitution reads, “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted”. Imposing fines that degrade a person’s economic standing beyond any means which would allow them true freedom, is excessive. Imposing fines that are infinite and unattainable, is excessive. We are no longer best serving the people of this state with our current statutory regime, we are further imprisoning our citizens who deserve support and the right to future opportunity.

It is for these reasons that I am encouraging you to vote in support of Senate Bill 898.

Thank you for your time, service, and consideration.

Sincerely,

Martha Schmitz

14 Greentree Drive, Phoenix, MD 21131

Showing Up for Racial Justice Baltimore

SB 898 - MD Criminal Justice Debt Elimination Act.

Uploaded by: Seel, Brian

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 46, and am a local community leader. I am testifying **in support of Senate Bill 898**.



Senate Bill 898 limits the fees which can be placed on incarcerated individuals and altering the assessment of charging home monitoring fees.

A person incarcerated in a Maryland prison may be expected to cover their medical expenses, food, lodging, clothing, transportation, child support and taxes for each day they spend in prison or are awaiting trial. Additionally, many of these fines are discretionary, leaving it to internal staff to determine what a "reasonable" fine should be, in addition to any others already listed. These bills seek to limit the level of discretion to stop the exorbitant debt one can incur while incarcerated.

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Thank you for your time, service, and consideration.

Sincerely,
Brian Seel 223 S Wolfe St

Showing Up for Racial Justice Baltimore

SB 898 - MD Criminal Justice Debt Elimination Act.

Uploaded by: Shillenn, Rebecca

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 43. I am testifying **in support of Senate Bill 898**.



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A person incarcerated in a Maryland prison may be expected to cover their medical expenses, food, lodging, clothing, transportation, child support and taxes for each day they spend in prison or are awaiting trial. Additionally, many of these fines are discretionary, leaving it to internal staff to determine what a "reasonable" fine should be, in addition to any others already listed. These bills seek to limit the level of discretion to stop the exorbitant debt one can incur while incarcerated.

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It is for these reasons that I am encouraging you to vote in support of Senate Bill 898.

Thank you for your time, service, and consideration.

Sincerely,

Rebecca Shillenn

5401 Elsrode Ave. Baltimore 21214

Showing Up for Racial Justice Baltimore

SB 898 - Maryland Criminal Justice Debt Elimination

Uploaded by: Siri, Michelle

Position: FAV



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



The Delivery of Legal Services Section Council

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 \[amended\]](#)

SB 898 - MD Criminal Justice Debt Elimination Act.

Uploaded by: Smeton, Jonathan

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 43. I am testifying **in support of Senate Bill 898**.



Senate Bill 898 limits the fees which can be placed on incarcerated individuals and altering the assessment of charging home monitoring fees.

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It is for these reasons that I am encouraging you to vote in support of Senate Bill 898.

Thank you for your time, service, and consideration.

Sincerely,

Jonathan Smeton

3140 Ellerslie Avenue, Baltimore, MD 21218

Showing Up for Racial Justice Baltimore

SB 898 - MD Criminal Justice Debt Elimination Act.

Uploaded by: Todd, Tamara

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 10. I am testifying **in support of Senate Bill 898**.



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Thank you for your time, service, and consideration.

Sincerely,

Tamara Todd

221 Northway Rd, Reisterstown, MD 21136

Showing Up for Racial Justice Baltimore

MVLS in Support of SB 898 (2021).pdf

Uploaded by: Westry, Phillip

Position: FAV



MARYLAND SENATE JUDICIARY COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE
IN SUPPORT OF SB898: MARYLAND CRIMINAL JUSTICE DEBT
ELIMINATION AND PREVENTION ACT OF 2021
WEDNESDAY, MARCH 10, 2021

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Allison Baker Shealy
James Tansey

Chair Smith and distinguished members of the Committee, thank you for the opportunity to testify in support of Senate Bill 898.

My name is Phillip Westry, and I am the Baltimore Health Corps Attorney at the Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest provider of pro bono civil legal services to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 1,700 volunteer lawyers has provided free legal services to over 100,000 Marylanders in a wide range of civil legal matters. In FY20, MVLS volunteer and staff lawyers provided legal services to 4,459 people across the state. For the reasons below, MVLS respectfully request the committee return a favorable report on SB898.

The COVID-19 pandemic has created unprecedented challenges for Baltimore City residents. In response, MVLS has partnered with the Baltimore City Mayor's Office of Employment Development and the Baltimore City Health Department on a timely project. MVLS joined the project to provide direct legal support and representation to workers hired under the Baltimore Health Corps. The Baltimore Health Corps is working to contain the spread of COVID-19, address the social needs of vulnerable residents, provide job opportunities during a time of record unemployment, and generate long-term career paths. This is a first-of-its-kind model that employs community members who conduct contact tracing and care coordination across the city. The initiative has trained and employed over 300 residents in a time of record unemployment, generated long-term career paths, and at the same time supported the city's public health response to COVID-19.

Many Baltimore Health Corps employees lost their jobs during the early months of the COVID-19 pandemic, only finding work after months of being unemployed or underemployed.

One of my clients, a Baltimore Health Corps employee, initially reached out for assistance with expunging his criminal record. While working with him, he revealed that he had incurred thousands of dollars in fines and fees from court-ordered home monitoring. At the time, my client was only working part-time, making about \$13 an hour, and was behind on his child support payments. My client stated that he nearly lost his license because of his growing debt to the State of Maryland. It ultimately took my client more than three years to pay the fees, while trying to keep up with his other expenses. He ultimately decided to focus on paying the court fees and neglected his child support payments.

For people like my client who are living on the edge of poverty, trying to make ends meet, a missed payment can spiral into additional criminal penalties, loss of their driver's license, loss of job opportunities, and having to choose between paying fines and fees or being able to pay for the necessities like rent, food, and childcare. This bill would eliminate these fees, while removing the possibility of imprisonment for lack of payment.

MVLS has been fighting to even the playing field for Marylanders facing economic hardships for decades and most of our clients live at or below the poverty line. Because of our work serving Marylanders with low or no income, we support this bill. We recognize that when a person is arrested or incarcerated, they can find themselves drowning in fines, fees, and costs to various institutions during pretrial, sentencing, incarceration, and post-conviction, including home detention, probation and parole fees, and fees for work release programs. This bill, which would help stop the cycle of poverty and indebtedness, is necessary. We know that these community members face significant obstacles when putting their lives back on track. Lessening the burden of court-related fines and fees will help people to avoid the consequences as described above, to enter the workforce and become productive members of society. We respectfully request a favorable report on Senate Bill 898.

Mister Chair and member of the committee, thank you for the opportunity to testify.

Balt Testimony_2021_SB898.pdf

Uploaded by: Zernhelt, Matthew

Position: FAV

TESTIMONY in favor of SB 898
Conditions of Pretrial Release - Home Detention Monitoring

TO: Chair Smith, Vice Chair Waldstreicher, members of the Judicial Proceedings Committee
FROM: Iman Freeman on behalf of Baltimore Action Legal Team

My name is Iman Freeman and I am the Executive Director of Baltimore Action Legal Team (BALT). I submit this testimony in favor of Senate Bill 898.

Between March 1st, 2020 and January 1st, 2021 BALT has paid close to \$160,000 to two private home detention companies in the Baltimore area. To support the Baltimore City Office of the Public Defender's efforts to remove as many of their clients as possible from the harm of contracting COVID-19 in Baltimore detention centers we took on clients who could not afford to cover the cost of court ordered home detention monitoring. If BALT had not raised these funds, 131 Baltimore residents awaiting trial would have remained in COVID infested facilities, awaiting their day in court and exposed to the Coronavirus.

It should also be noted, BALT was able to negotiate a reduced rate of \$10 per day and eliminate all "hook up" fees for each client they support. All other pretrial clients of these companies pay between \$11 and \$20 per day, and \$200+ in "hook up" fees. These incidental fees include things like urine analysis for alcohol and drugs, which considering these clients have been detained in jail for three or more days prior to testing seems confusing at best, and in reality like a legal way for private companies to price gouge individuals desperate to get home to their families.

Ultimately, the most egregious issue with home detention monitoring goes beyond whether these costs are reasonable, these costs are unconstitutional. The Supreme Court in *Nelson v. Colorado* affirmed that the presumption of innocence protects a defendant from having to pay fines and fees. Once a person's case is dismissed in Maryland, much like how 80% of cases charged as a 2nd degree assault in Baltimore City District Court are dismissed, that person is simply out hundreds of dollars with no remuneration from the state. Currently, with indefinite court closures postponing trial for a year or more, a person could potentially spend over \$4,000 in these fees. We hope that one day Maryland law will reflect that no person should have to pay to be monitored by the state. At this time we ask that at least our most marginalized community members be given the protections of our founding principles and urge a favorable report on SB898 from this committee.

SB0898-JPR_MACo_SWA.pdf

Uploaded by: Sanderson, Michael

Position: FWA



Senate Bill 898

Maryland Criminal Justice Debt Elimination and Prevention Act of 2021

MACo Position: **SUPPORT**
with AMENDMENTS

To: Judicial Proceedings Committee

Date: March 10, 2021

From: Michael Sanderson

The Maryland Association of Counties (MACo) **SUPPORTS SB 898 WITH AMENDMENTS**. This bill addresses a topic already raised through legislation this session – fees for home monitoring services. HB 126, already passed by this Committee and the full House, created a balanced approach to address the use of such fees during pretrial, and counties would urge that incentive-based approach with any broader legislation.

Local corrections already suffer a deluge of effects, each compounding the costs of delivering their services. State reductions to inmate cost reimbursement during the “great recession” have not been restored (or even re-evaluated), leaving counties to support these costs through general revenues. Meanwhile, county budgets, already pressured by ambitious State-mandated school funding requirements and a variety of community needs, have this year been ravaged by public health needs and other pandemic-driven costs.

County leaders must constantly manage their scarce financial resources. Delivering public services, including safe and efficient correctional facilities, is among those challenges. The direction toward home detention as a condition of alternative sentences or pretrial arrangements is substantial, driven by both justice and financial considerations. MACo urges that the General Assembly continue to pursue a path of collaboration, and incentive, rather than merely eliminate options in delivering local services. The model of HB 126, a bill MACo supported, is a far preferable approach to this concern rather than the absolute ban envisioned under SB 898 as drafted.

For this reason, MACo requests a **FAVORABLE** report on SB 898 **WITH AMENDMENTS** to create appropriate incentives to abandon these fees, rather than a complete elimination of these programs. Counties would be pleased to work with the Committee and sponsor to help advance that mutually beneficial policy goal.

MCAA OPPOSE SB 898 Maryland Criminal Justice Debt

Uploaded by: Reece, Thomas

Position: UNF



SB 898
Maryland Criminal Justice Debt Elimination Act of 2021

MCAA Position: **OPPOSE**

TO: Judicial Proceedings Committee

DATE: February 17, 2021

FROM: T.D. Reece, President

For decades, Maryland jails have worked tirelessly to create viable, sustainable and effective programs to influence positive change in the lives of those committed to their care. Programs such as religious services, educational, job-training, substance abuse counseling, work release, home detention, and pretrial supervision provide opportunities for incarcerated persons to successfully transition and reenter our communities and help to reduce recidivism. Jails were never required to create these programs, but out of responsibility and compassion did so. Correctional professionals, the dedicated people who know best, developed creative solutions along the way to properly fund and continually improve these programs.

Programs such as home detention, work release, and pretrial supervision have traditionally been partially funded by requiring incarcerated persons to pay certain fees. In doing so, consideration has always been given to cases of indigence or unaffordability. But the fact remains that these programs are sustained by collecting fees from those who can afford it.

This bill would essentially turn many of these programs on their heads by removing the authority of Counties, sheriffs, or managing jail officials from collecting certain associated fees. The consequence would be that many jails may no longer be able to facilitate these programs. The absence of these programs would only hurt incarcerated persons, limit their rehabilitative opportunities, and reduce their chance of success. For these reasons, the Maryland Correctional Administrator's Association opposes SB 898 and asks this committee to give it an unfavorable report.

SB898_DHS_Oppo.pdf

Uploaded by: Sledge, Rachel

Position: UNF

DATE: March 10, 2021

BILL NUMBER: Senate Bill 898

COMMITTEE: Judicial Proceedings

BILL TITLE: Maryland Criminal Justice Debt Elimination and Prevention Act of 2021

DHS POSITION: Letter of Opposition

The Department of Human Services (DHS) respectfully offers this letter of opposition regarding Senate Bill 898 (SB898). House Bill 1331 would repeal the Child Support Administration's (CSA) authority to request that the Motor Vehicle Administration (MVA) fully suspend a delinquent child support obligor's driver's license under Family Law § 10-119(b).

DHS is committed to working with Non-Custodial Parents (NCPs), by providing essential support and assistance to these parents. For example, CSA's Noncustodial Parent Employment Program in Baltimore City allows NCPs to receive job training and employment opportunities, while simultaneously reducing state owed arrears. CSA remains steadfast in the commitment to maintain as well as increase noncustodial parent enrollment and successful completion of the Step Up! program. This continued effort will increase collections and simultaneously reduce state owed arrears.

The Driver's License Suspension Program is one of CSA's most effective enforcement tools and resulted in the collection of \$50 million for Maryland's children in 2019. As written, this bill would eliminate CSA's ability to request the full suspension of the drivers' licenses of delinquent child support obligors and instead provide that the delinquent obligors could still obtain work-restricted drivers' licenses.

By substantively eliminating CSA's ability to suspend a driver's license for non-payment of child support, passage of SB898 would have a negative impact on the children served by CSA and DHS. Nearly ten percent of all child support collections in Maryland each year result from the referral of delinquent child support obligors for drivers' license suspension.

If SB898 is enacted, the significant change to CSA's driver's license suspension program may impact federal funding for CSA, which receives 66% of its financial support from the federal government. Each state is required to have a statewide plan for child support, *see* 42 U.S.C. § 654, that includes laws giving the state child support agency the "authority to withhold or suspend, or to restrict the use of driver's licenses," 42 U.S.C. § 666(a)(16). If the passage of HB1331 caused Maryland to be out of compliance with this federal requirement, the federal government could rescind the entire federal grant provided to Maryland each year, currently \$91.2 million, for child support enforcement services under Title IV-D of the Social Security Act. If the federal government were to take such action, then the entire federal grant for Temporary Assistance to Needy Families (TANF), which totals about \$228.3 million plus \$27.2 million in contingency funding, would also be at risk. This is because, under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, a state must certify that it will operate a Child Support Enforcement Program under an approved Title IV-D plan as a condition of eligibility for a TANF block grant. If the State were to become ineligible for these grants, it could result in the loss of approximately \$346.7 million in federal funding.



The Department appreciates the opportunity to share these points of opposition regarding SB898 and respectfully requests the Department's opposition be taken into consideration during the Committee's deliberations.

DPSCS_LOI_SB898.pdf

Uploaded by: Kahl, Catherine

Position: INFO



Department of Public Safety and Correctional Services

Office of the Secretary Office of Legislative Affairs

45 Calvert Street, Suite B7A-C, Annapolis MD 21401
410-260-6070 • Fax: 410-974-2586 • www.dpccs.state.md.us

STATE OF MARYLAND

LAWRENCE J. HOGAN, JR.
GOVERNOR

BOYD K. RUTHERFORD
LT. GOVERNOR

ROBERT L. GREEN
SECRETARY

RACHEL SESSA
CHIEF OF STAFF

WAYNE HILL
ACTING DEPUTY
SECRETARY
OPERATIONS

CHRISTOPHER McCULLY
DEPUTY SECRETARY
ADMINISTRATION

CAROLYN J. SCRUGGS
ASSISTANT SECRETARY

GARY McLHINNEY
ASSISTANT SECRETARY

CATHERINE KAHL
ACTING DIRECTOR

BILL: SENATE BILL 898

POSITION: LETTER OF INFORMATION

EXPLANATION: This bill under Criminal Procedure Article 6-226 would restrict the court from imposing a monthly supervision fee, a drug and alcohol abuse testing fee and any other monthly program fees provided under Correctional Services Article 6-115. In addition, the collection fees for non payment of restitution will also be prohibited under the bill. **SB 898 will result in a loss of payment to the General Fund of the State of Maryland of over \$10 million.**

COMMENTS:

- The Department of Public Safety and Correctional Services (Department) is tasked with overseeing the Division of Parole and Probation (DPP), which supervises individuals within the community who are either awaiting trial, placed on supervised probation, have been paroled by the Maryland Parole Commission, or placed on Mandatory Supervision upon release under the authority of the Maryland Parole Commission. DPP also supervises those individuals who have been court-ordered into the Drinking Driver Monitor Program.
- The bill prohibits the courts from imposing any monthly fee on a supervisee. Currently, the courts impose a monthly fee of \$50.00 and the court may waive the fee for those supervisees meeting specific criteria. DPP is mandated to pay the collected fees to the General Fund of the State. Prohibiting the court from imposing any monthly fee will result in an estimated decrease of **\$5.1 million** to the General Fund that DPP has collected and submitted.
- SB 898 strikes payment of drug or alcohol abuse testing costs when the court orders testing. Removing the ability to collect the costs of testing will result in an estimated annual loss of more than **\$624,000**.
- SB 898 strikes payment of any monthly program fees under Correctional Services Article, 6-115. Currently, this includes a monthly program fee that is collected by DPP and paid to the Drinking Driver Monitor Program Fund.

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- The restriction on the collection of other program fees could result in lost revenues of approximately **\$5 million** annually to the State.
 - The restriction would limit the Department's ability to operate the Drinking Driver Monitor Program (DDMP), DDMP was created in 1984 to ensure abstinence and treatment of DUI and DWI offenders in order to enhance road safety.
 - The program provides an effective way to deal with the problems associated with offenders who operate motor vehicles while either intoxicated or while their abilities are impaired by alcohol. It is designed to maximize monitoring and reporting to gain compliance with court-ordered treatment or education.
- Lastly, SB 898 strikes the collection of a 2% fee that covers the disbursement of restitution funds to victims. The Division of Parole and Probation (DPP) collected an average of **\$78,901** in 2% collection fees for restitution based on previous years collections. The funds collected from these fees are included in DPP's budget, therefore a restriction on the collection of this fee would decrease DPP's budget.
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- **CONCLUSION:** The Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates on Senate Bill 898.

REVERSE