

TESTIMONY IN SUPPORT OF SENATE BILL 704:

Conditions of Pretrial Release – Home Detention Monitoring – Alterations and Extension

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

FROM: Fiona Apple, CourtWatchPG

DATE: March 9, 2022

CourtWatchPG supports Senate Bill 704 as a means to ensure that indigent persons awaiting trial are not pushed further into debt or incarcerated while participating in private home detention programs throughout the state.

For the [10 percent of Marylanders living below the federal poverty line](#), the management and repayment of even small debts can be a major challenge. This challenge is further exacerbated for those with a criminal record, a significant barrier to employment. However, despite these known obstacles, those who interact with the criminal justice system are levied with fees in order to access pretrial release-specifically privatized home detention monitoring programs. ASAP Home Detention in the Baltimore Region for example charges roughly \$300 - \$550 per month to participate in their court-ordered home detention program. This does not include setup fees, taxes, or other extraneous charges. If a defendant fails to pay, they either risk incarceration for violating the conditions of their release or fall further into debt - with no realistic ability to pay it back.

The assessment of fees onto those who are incarcerated, especially pretrial, creates an unbreakable cycle that can only be fixed by granting waivers to indigent defendants who show an inability to do so. With regards to pretrial electronic monitoring, the money spent on home detention does not return to the defendant upon release. They are essentially “out” of thousands of dollars for crimes many were *not* found guilty of committing. In this way, the private home detention monitoring market has extracted millions from primarily lower-income communities regardless of an actual conviction.

Last year, the Maryland General Assembly [passed legislation](#) establishing a state-funded pretrial payment program for indigent persons who are on privatized home detention. The Judiciary [created a uniquely efficient and effective program](#) that allows the court to foot the bill for any individual who qualifies for a public defender. This program has been extremely efficient and easy for community members and hundreds have already taken advantage of the program, saving tens of thousands of dollars. **However, the payment program is set to expire on June 30th, 2022**, reversing tremendous gains in the right direction for decriminalizing poverty during pretrial.

Senate Bill 704 seeks to address this issue by expanding the payment program to June 30th, 2025. This will ensure that indigent individuals do not fall further into poverty for their inability to pay excessive privatized home detention fees. For these reasons, we strongly urge a **favorable** report.