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Legislative District 11
Baltimore County

Judicial Proceedings Committee

Joint Committee on Children, Youth,
and Families

Joint Committee on the Chesapeake
and Atlantic Coastal Bays Critical Area



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TESTIMONY OF SENATOR SHELLY HETTLEMAN
SB 704 – CONDITIONS OF PRETRIAL RELEASE –
HOME DETENTION MONITORING – ALTERATIONS AND EXTENSION

SB 704 seeks to continue a program the General Assembly created through legislation (HB 316) last year. Using federal funds, we enabled the Judiciary to be the pass-through entity through which federal funds are used to cover the costs of pre-trial home monitoring. While the bill's effective date was July, 2021, the program began in October and has been working well. This bill removes the sunset of that program (this summer), enables the continued use of the federal funds, and will reinstate a workgroup – required by last year's bill but never created - to consider long term solutions to these pre-trial challenges.

I commend the Judiciary for their ability to step up to the challenges of creating new procedures to implement this program. They have enabled low income defendants who qualify and who are represented by public defenders as well as private counsel to have easy, user-friendly access to the program. They are working with the private home monitoring agencies to meet federal funding requirements and have taken on the responsibilities associated with operating this program efficiently and effectively.

This bill will help to decriminalize poverty by removing unjust financial obligations from those who are presumed innocent, awaiting trial, and who are deemed unable to pay by the Office of the Public Defender. To reduce the number of people incarcerated and the reliance on cash bail for release, some defendants are released to home detention and are required to wear GPS monitoring devices.

Those charged with, but not convicted of, a crime should not bear the financial burden of their monitoring. This puts low-income defendants in an impossible situation. While they await trial - often with lengthy delays - home detention could likely mean they are unable to earn a wage. Requiring them to pay for their monitoring puts them in debt and forces them to choose between paying for essentials such as rent, childcare, groceries, and healthcare and paying to remain outside of jail. While two thirds of pretrial detention cases result in dropped charges or no conviction, if monitoring fees are not paid, the defendant is in violation of pretrial detention and could be jailed for failure to pay.

Some counties have begun to cover the costs on their own for pre-trial home monitoring. For example, at the beginning of 2021, Baltimore County eliminated home-monitoring fees charged to pre-trial and sentenced individuals. County Executive

Olszewski announced, “This is an issue of simple fairness. Individuals on home detention, most of whom are individuals not convicted and awaiting adjudication of non-violent crime charges, should not have to face additional financial burdens. Expensive home monitoring fees create unnecessary impediments, and the elimination of home monitoring fees will better allow these residents to support themselves and their families.”

SB 704 is an extension of an effort to end the wealth-based pretrial detention system that criminalizes poverty. It rectifies the unjust passing of these costs on to people who are presumed innocent and who are poor.. It would be highly unfortunate to allow a program that is working - and that has resources - to cease simply because we've allowed it to sunset. For these reasons, I ask the committee to pass SB 704. Thank you.