



OUT FOR JUSTICE

TESTIMONY IN SUPPORT OF SENATE BILL 704:

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

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

FROM: **Nicole Hanson-Mundell, Executive Director, Out for Justice, Inc.**

DATE: March 9th, 2022

Out for Justice, Inc. (OFJ) is an organization led by individuals who are both directly and indirectly impacted by the criminal justice system. We advocate for the reform of policies and practices that adversely affect successful reintegration into society. We accomplish our mission through the three E's: 1) **ENGAGE** formerly incarcerated individuals, families and friends through grassroots outreach and community events; 2) **EDUCATE** our member base and communities on the policies and practices impacting our communities and navigating the legislative process for reform; 3) **EMPOWER** those impacted by the criminal justice system to utilize their voices and experiences to enact tangible change.

Out for Justice, Inc. supports Senate Bill 704 as a means to ensure that people awaiting trial are not unnecessarily incarcerated, simply because they cannot afford to pay their home detention fees.

In Maryland, home detention fees are part of a pattern of criminalizing poverty and unequal access to justice. Ten [percent of Marylanders living below the federal poverty line](#). For these Marylanders, affording basic food and shelter is a major challenge. There is no money left over to pay an additional \$300 - \$550 per month to participate in their court-ordered home detention program. Simply because they are struggling financially, Marylanders living in poverty may be unable to walk free before their trial or they may accumulate burdensome debt that worsens their financial situation. Meanwhile, their peers with more income may walk free and not be burdened by long term debts.

While individual waivers may sometimes occur, many more individuals are unsure how to access these waivers and, therefore, find themselves trapped behind bars before they are proven guilty of any crime. These people incarcerated pre-trial are being, in effect, sentenced to long lasting criminal legal consequences for crimes they are not convicted of. While incarcerated for months awaiting trial, they may lose their treasured job, lose their housing because they cannot earn money to pay rent, lose custody of their children, and suffer serious mental health effects as a result of suddenly being separated from their loved ones and valued life. Even if a person is found innocent, these losses may impact them and their families for years to come.

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



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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.

Sincerely,

Nicole Hanson-Mundell
Executive Director
Out for Justice, Inc.