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POSITION ON PROPOSED LEGISLATION

BILL: HB—0154 - Workgroup to Study the Impact of Court-Mandated Fines and Fees

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 1/23/2023

The Maryland Office of the Public Defender respectfully requests that this Committee issue a favorable report on HB0154.

My name is Roberto Martinez, and I proudly serve as the co-Supervisor for District Court in Montgomery County. In my capacity, I represent Maryland residents accused of misdemeanors and felonies. Additionally, I support and lead a team of civil rights attorneys in their advocacy. Through our representation, we've witnessed our clients struggle to shoulder the burden of fines and court costs associated with the criminal legal system. As such, the Legislature should take a granular look at this impediment.

To their credit, the Judiciary in Montgomery County does what it can to ease that burden, but they are still limited. For example, a client convicted of drug possession will have the \$50 per month supervision fee waived. Still, the Court cannot waive the \$100 initial testing fee or the subsequent urine analysis that the Department of Parole or Probation charges my clients. Clients ordered to undergo mental health treatment face similar costs. Moreover, the Drunk Driver Monitor Probation agent supervises a client convicted of an impaired driving offense. Supervision by this monitor has an additional supervision fee that the court cannot waive. Relatedly, clients with Interlock breathalyzer machines must pay exorbitant costs to have the machines installed, monitored, and maintained. When the Court orders restitution, our clients are charged a 2% collection fee regardless of the amount.

Additionally, the Criminal Injuries Compensation Fund (CICF) is levied on all crimes regardless of conviction and cannot be waived. Whether a client is charged with a violent crime or a petty status offense, the exact CICF cost is imposed. In some cases, our clients are victims themselves--of substance abuse or mental health disorders--but are denied access to these funds to assist them in their recovery.

Consequences of these costs include non-compliance, probation violations, and recidivism. Ultimately, costs related to the criminal legal system minimize the rehabilitative effects of court supervision.

For these reasons, the Maryland Office of the Public Defender strongly urges a favorable report on House Bill 0154.

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.
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