

Testimony of the Human Trafficking Prevention Project

BILL NO: House Bill 154
TITLE: Workgroup to Study the Impact of Court-Mandated Fines and Fees
COMMITTEE: Judiciary
HEARING DATE: January 25, 2023
POSITION: FAVORABLE

House Bill 154 would establish a workgroup to study the impact of fines and fees owed by Marylanders due to their involvement with the criminal legal system. The Human Trafficking Prevention Project at the University of Baltimore School of Law supports this bill because it is crucial that Maryland more accurately understands the impact that these fees have on systems-impacted indigent communities and communities of color, many of whom are survivors of human trafficking.

In 2018, Alexes Harris, a sociologist at the University of Washington, estimated that 80-85% of incarcerated persons now leaving jails and prisons owe costs related to their involvement in the criminal legal system. This is estimated to amount to some 10 million Americans who owe more than \$50 billion in criminal legal debt. These fines and fees only serve to further impoverish already indigent individuals, leaving them in a spiral of debt from which is nearly impossible to escape.¹

The impact of these fees and fines is of particular interest to the Human Trafficking Prevention Project because poverty is perhaps the single most universal predictor of exploitation and trafficking.² In its recently released report on the socio-economic factors that both increase and decrease the likelihood of exploitation, the National Survivor Network highlights that for individuals living in poverty, “their ability to care for themselves and their families is compromised.”³ Traffickers naturally and purposefully fill the voids created by poverty, targeting and exploiting the myriad needs of vulnerable individuals by promising work, protection for work conducted within illegal industries, or simply access to a better, more stable life.⁴ Furthermore, despite the exploitation and trauma of human trafficking, survivors are often introduced to the criminal legal system as criminal defendants, not victims,⁵ and, as such, are commonly subject to the fines and fees HB 154 would be tasked with studying. These criminal convictions place survivors at risk of further economic hardship because of employment barriers, which continues to leave them impoverished and at continued and/or increased risk.⁶

As of yet, there is no collection of data that explicitly spells out how much Marylanders owe in criminal legal system debt. Thus, House Bill 154 seeks to study the impact of these costs, including, but not limited to District and Circuit Court fees, criminal filing fees, and conviction costs, expungement fees, court removals, public defender applications, pre-trial electronic monitoring, public defender reimbursement, healthcare and medication fees while incarcerated, room and board for work release, parole & probation fees, drug and alcohol testing, and

¹ Job Opportunities Task Force, *The Criminalization of Poverty: How to Break the Cycle Through Policy Reform in Maryland* 42-53 (2018), https://jotf.org/wp-content/uploads/2018/08/cop-report-013018_final.pdf.

² See generally H.D. Pandya, *Human Trafficking and Poverty: A Critical Connection* (2015), <https://tiikm.com/publication/doi/icpsd2015-2101.pdf>, Polaris, *Human Trafficking Does Not Happen in a Vacuum* (2021), Suzannah Phillips, et. al., *Clearing the Slate: Seeking Effective Remedies for Criminalized Trafficking Victims* 1 (2014), Institute for Women’s Policy Research, *The Economic Drivers and Consequences of Sex Trafficking in the United States* (Sep. 2017), https://iwpr.org/wp-content/uploads/2020/09/B369_Economic-Impacts-of-Sex-Trafficking-BP-3.pdf.

³ National Survivor Network, *Care, Self-Determination, and Safety: A Community-Centered, Public Health Approach to Preventing Human Trafficking* 46 (2023), <https://nationalsurvivornetwork.org/wp-content/uploads/2023/01/Care-Self-Determination-and-Safety.pdf>.

⁴ Phillips, et. al *supra* at 1, 8-9.

⁵ The Survivor Reentry Project, *Post-Conviction Advocacy for Survivors of Human Trafficking: A Guide for Attorneys*, Am. Bar Ass’n Comm’n on Domestic & Sexual Violence (2016), <https://freedomnetworkusa.org/app/uploads/2020/02/survivor-reentry-project-guide-for-attorneys.pdf>.

⁶ Erin Marsh, Brittany Anthony, Jessica Emerson, & Kate Mogulescu, *State Report Cards: Grading Criminal Relief Laws for Survivors of Human Trafficking* (2019), <https://polarisproject.org/wp-content/uploads/2019/03/Grading-Criminal-Record-Relief-Laws-for-Survivors-of-Human-Trafficking.pdf>.

records requests. Given that Maryland's criminal legal system disproportionately (and at many times unnecessarily) burdens lower-income communities of color, many of whom are also survivors of human trafficking, House Bill 154 is a step towards understanding how damaging the majority of financial debts arising from court-related fines and fees really are. For these reasons, the Human Trafficking Prevention Project supports House Bill 154, and respectfully urges a favorable report.

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