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POSITION ON PROPOSED LEGISLATION

BILL: HB 154 - Workgroup to Study the Impact of Court-Mandated Fines and

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 1/23/2023

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 154.

This bill establishes a workgroup to study the impact of court-mandated fines and fees on low-income residents and the revenue structure that relies on court-mandated fines and fees and to develop a plan and legislative recommendations for eliminating or reducing court-mandated fines and fees.

The imposition of undue financial hardships for those in the criminal justice system has unfairly impacted generations of individuals and families for nearly as long as the criminal justice system has existed. And yet was not until 1971 that Maryland created its own Public Defender's Office to assist indigent individuals facing criminal prosecution with the assistance of counsel. As a state that is far from immune to conditions of poverty throughout, we must not ignore the deeply imbedded and vast pathways that continue to cripple indigent individuals and families.

In 2018, JOTF released a report called "The Criminalization of Poverty" which dissects the pathways in which Maryland residents from impoverished communities unjustly encounter the Criminal Justice System. Part II of the report goes forward to outline how extensive fines and fees related to interactions with the criminal justice system impoverish Marylanders, specifically lower-income communities of color.

Marylanders from low-income communities, especially communities of color, find themselves often strapped with gratuitous criminal-justice-related debts. These "fees for service" include court-related fees (administrative, jury, and restitution), home detention, parole and

probation, public defender representation (application and reimbursement), jail room and board (especially for pretrial), mandatory drug and alcohol testing, vehicle interlock devices, criminal record expungement, as well as interest and late fees from the Central Collections Unit (CCU). The goal of fees is often to recoup costs and generate revenue. In 2018, Alexes Harris, a sociologist at the University of Washington, estimates that 80-85% of incarcerated persons now leaving prison owe criminal justice costs. This is estimated to amount to some 10 million Americans who owe more than \$50 billion in criminal justice debt. They serve to further impoverish already indigent individuals leaving them in a spiral of debt. As of yet, there is no collection of data that explicitly spells out how much Marylanders owe in criminal justice debt.

Thus, House Bill 154 seeks to study the impact of the following:

- District and Circuit Court Fees;
- Jury fees and court administrative costs;
- Public Defender reimbursement and application fees;
- home detention and electronic monitoring fees;
- parole and probation fees;
- jail room and board;
- work release fees;
- Ignition Interlock Program device fees;
- drug and alcohol testing fees;
- expungement filing and fingerprinting fees;
- all court-related fees and interest sent to and collected by the Central Collections Unit as defined in § 3–304 of the State Finance and Procurement 11 Article;
- any other fees acknowledged by the Workgroup.

Given that Maryland's criminal justice system disproportionately (and at many times unnecessarily) burdens lower-income communities of color, House Bill 154 is a step towards understanding how damaging the majority of financial debts arising from court-related fines and fees are. The creation of this workgroup is critical to examine the above fees with the purpose of

learning the impact that these fees are having on indigent communities, especially communities of color.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on HB 154.

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