



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: HB 451 – Drunk Driving Offenses – Ignition Interlock System Program

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: 02/06/2023

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on House Bill 451.

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 (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, but the burdensome impact it can have on those involved in the criminal legal system can be life changing.

In 2018, Alexes Harris, a sociologist at the University of Washington, estimated 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. The Maryland Office of the Public Defender urges consideration of the fees and fines associated with HB 451 on low-income communities before passing this bill.

For example, in Montgomery County the Drunk Driver Monitor Probation agent supervises a person 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. If a person is unable to pay these fees, there must be an opportunity to accommodate their financial needs without criminal system implications.

Given that Maryland's criminal justice system disproportionately (and at many times unnecessarily) burdens lower-income communities of color, the Maryland Office of the Public Defender urges careful consideration of how damaging the costs and restrictions associated with the mandatory Ignition Interlock System Program may be on criminal system impacted persons before passing HB 451. Thus, we urge an unfavorable report on this bill until there is more information provided about 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 an unfavorable report on House Bill 451.

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