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## **POSITION ON PROPOSED LEGISLATION**

**BILL: SB0728 Correctional Services - Parole Supervision Fees and Drug and Alcohol Abuse Test Payment - Repeal**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: 2/27/2024**

The Maryland Office of the Public Defender (OPD) respectfully requests that the Committee issue a favorable report on Senate Bill 728. Fees for parole supervision and payments for drug and alcohol testing impose costs on our most impoverished residents and stymie successful reentry.

Fees and costs imposed on those involved in the criminal system perpetuates a cycle of poverty and incarceration that disproportionately harms communities of color. OPD represents the majority of criminal defendants, while even more qualify as indigent. With few resources prior to arrest, and the potential loss of income during any incarceration before release, imposition of these costs are impossible to meet.

Non-payment of these required fees is a violation that can result in arrest and incarceration. It can also result in proceedings with the Central Collections Unit, which adds an additional cost on to the debt and hurts an individual's credit score, making it more difficult to secure housing and further increasing the risk of recidivism.

As Black and Brown individuals are both disproportionately targeted for criminal prosecution and more likely to be poor, they are especially impacted by these costs and the penalties of non-payment. The spiraling debt does not just impact the individual, but their entire family that will be required to assist with payments to avoid the re-incarceration of their loved

one. Repeal of these payments is therefore an important racial justice measure to reduce disparities in Maryland's criminal system.

In light of the inequities and inefficiencies of the many costs imposed on justice-involved individuals, in 2017, OPD repealed the administrative fee authorized for public defender services. Before then, OPD was only able to collect approximately 10 percent of the fees imposed, with the remainder going to Central Collections Unit. The majority of our clients were not seeking to skirt mandated payments, they simply lacked the funds to do so. Thus, the collections process exacerbated the financial issues that the majority of our clients faced and wasted precious state resources on trying to secure funds that were not available. Parole and testing costs, which target the same individuals are subject to the same issues.

Rather than spend state resources taxing our most impoverished residents, repealing parole supervision fees and drug and alcohol testing costs would encourage positive reentry and promote the economic stability that individuals who are on parole or mandated for drug and alcohol testing need.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 0728.

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

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