



TESTIMONY IN SUPPORT OF SENATE BILL 728
Correctional Services – Parole Supervision Fees / Drug and Alcohol Test Payment - Repeal

TO: Members of the Senate Judicial Proceedings Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: February 27, 2024

The University of Baltimore School of Law’s Center for Criminal Justice Reform is dedicated to supporting community driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system. The Center offers our strong support for Senate Bill 728.

Under current law, those on parole in Maryland are required to pay a \$50 monthly supervision fee in addition to other fees, including drug- and alcohol-testing fees, that the court may impose. The reality is most individuals are unable to afford these fees for a variety of reasons, including lack of access to gainful employment. Formerly incarcerated people face numerous collateral consequences, such as significant obstacles to finding, securing, and keeping stable employment. Of those who do access jobs, research indicates that in the first few months, formerly incarcerated people were earning just 53% of the median U.S. worker’s wage.¹

These fees therefore create significant challenges for these individuals and their families right out of the gate: undermining reentry success, economic advancement, and community wellbeing. The stress of the fees alone, especially if immediately recognizable as unrealistic to consistently meet, can be an enormous burden for individuals and their family, causing them to fear family separation if a person were to be reincarcerated and/or make difficult decisions surrounding payment for necessities such as food and medications.

When a person fails to pay onerous supervision fees, parole may be revoked and a person who poses little to no public safety risk may be returned to detention. Furthermore, financial problems can compound if the debt is sent to collections, where it is subject to oppressive 17% interest rates on top of the original amount owed.

Parole and probation fees can have broad, short- and long-term impacts individuals and communities. Inability to pay supervision and drug- and alcohol-testing fees can impact individuals for years after they have completed supervision. For example, under current Maryland law, inability to pay these fees can result in permanent exclusion from expungement

¹ *New Data on formerly Incarcerated People’s employment reveal labor market injustices*. Prison Policy Initiative, <https://www.prisonpolicy.org/blog/2022/02/08/employment/>.

opportunities. Finally, research shows that criminal justice fees can result in increased recidivism and drive crime. The US Department of Justice recently laid out the totality of these harms in a 2023 “Dear Colleague letter,” notifying states of their liabilities with respect to harmful policies surrounding counterproductive and unjust imposition of fines and fees.²

Opponents of Senate Bill 728 may point to statutory exemptions as meaningful protection for people who cannot afford to pay criminal justice fees. The evidence shows otherwise: only 7% of people on parole have their fees waived at case activation.⁴ The problems with the exemption system have persisted since the Brennan Center identified its shortcomings in 2009. Community leaders including directly impacted Marylanders lent further support to the Brennan Center’s findings in a House Judiciary Committee briefing on Fines and Fees in November 2023.⁵

Collected supervision and drug- and alcohol-testing fees make up a negligible portion of the State’s budget yet impose a catastrophic burden on many of the individuals subject to them, ultimately undermining the State’s fiscal interests. Despite the time, effort, and other resources the State employs to collect these fees, the collection rates hover around 17%. Those resources would be better allocated in support of measures that actually prevent crime and improve public safety. Senate Bill 728 provides a meaningful opportunity to remove barriers and create opportunities for people reentering their communities from incarceration.

For these reasons, we urge a favorable report on Senate Bill 728.

² *April 2023 Dear Colleague Letter* . U.S. Department of Justice . (n.d.). <https://www.justice.gov/opa/press-release/file/1411101/dl>

⁴ Rebekah Diller. (2009, March 23). *Maryland’s parole Supervision Fee: A Barrier to Reentry*. Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/marylands-parole-supervision-fee-barrier-reentry>

⁵ Judiciary Committee Briefing, 11/8/2023, https://mgaleg.maryland.gov/mgawebsite/Committees/Media/false?cmte=jud&clip=JUD_11_8_2023_meeting_1&ys=2023rs.