

# Repealing Monthly Drug Test Fees Gives Money Back to Returning Marylanders

## Position Statement in Support of Senate Bill 728

*Given before the Senate Judicial Proceedings Committee*

Justice system mandated fees are imposed in every state across the country, and Maryland is no exception. These fees are frequently imposed on individuals the minute they come into contact with the criminal justice system. This can trap thousands of Maryland residents in an inescapable cycle of poverty and punishment. Senate Bill 728 addresses the harmful impact of drug and alcohol test fees, as they inflict additional economic burdens on individuals reentering society as well as on their families. For people attempting to reengage in their communities, secure employment, and be valuable members of society after serving a time of incarceration, an additional \$50 monthly fee creates a tremendous burden to individuals and society at large. SB 728 would be a first step toward eliminating one very harmful set of fees that will have a meaningful and direct impact on the residents of this state. **The Maryland Center on Economic Policy supports Senate Bill 728 because removing harmful fees gives returning Marylanders opportunities to support their communities.**

Justice system mandated fees operate as a regressive tax, existing to generate revenue, and forcing those least able to pay to fund the justice system or pay into the general fund, rather than evenly distributing the burden among everyone that it serves. These fees trap people in a perpetual cycle of debt and punishment when they are unable to pay. Approximately 1 in every 75 people are under probation or parole in the United States.<sup>i</sup> Millions of people are being assessed fees for their supervision and the drug and alcohol testing that may be part of their extended supervision. These costs can total hundreds of dollars every month, a cost that can be nearly impossible for many to pay.

- Data on formerly incarcerated people show that in the first few months after being released, individuals were earning just 53% of the median U.S. worker's wage. After four years of seeking and obtaining irregular employment, the study population was making less than 84 cents for every dollar of the U.S. median wage. Disparities in earnings seem to grow over time for Black and Native American individuals, as they have the lowest wages.<sup>ii</sup>
- Although a fee of \$50 a month may seem low for some, it can be crushing for those barely getting by. When fees for the required drug and or alcohol testing are added to the required monthly parole fee, as is the case in Maryland, the system is setting individuals and their families up for financial stress and likely failure.
- In Maryland, approximately 8,800 individuals were on parole in 2021.<sup>iii</sup> A 2009 study by the Brennan Center found 75% of parole supervision debt went unpaid at the end of parole and was referred to the state's Central Collections Unit, where it was subject to a 17% collection fee penalty.<sup>iv</sup>
- A 2023 study by the Fines and Fees Justice Center and the Wilson Center for Science and Justice at Duke Law found that 1 in 3 adults in the U.S. had some form of fine or fee debt in the previous 10 years.<sup>v</sup> Of those

with debt, 35% had challenges obtaining food and 27% reported the debt caused hardships related to housing.

Fines and fees are obstacles to record clearing in Maryland, threatening an individual's long-term economic advancement. Taking money out of the pockets of lower-income families and individuals takes the dollar out of circulation where consumer spending is the biggest driver for a local economy. The practice of assessing fees is counterproductive, harming individuals and communities, and being a resource drain on governments and the local economy. **For these reasons, the Maryland Center on Economic Policy respectfully requests that the Senate Judicial Proceedings Committee make favorable report on Senate Bill 728.**

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## Equity Impact Analysis: Senate Bill 728

### *Bill summary*

Senate Bill 728 repeals the requirement for the Maryland Parole Commission to assess a fee against an individual on parole and supervised by the Division of Parole and Probation under certain circumstances, and repeals authorization for the Division of Parole and Probation to require a supervisee of the Division who is on parole to pay for certain drug or alcohol abuse testing under certain circumstances.

### *Background*

In Maryland, parolees are required to pay monthly supervision fees on top of any court-ordered alcohol or drug testing and other fees, such as those for electronic monitoring or the cost of defense counsel. Such fees can account for large portions of an individual's income, reducing their household resources and challenging their financial health. While fines and fees are often lumped together, fees are distinct from fines; fees are not intended to be punitive and exist only to generate revenue. Fees operate as a regressive tax, forcing those least able to pay to fund the justice system, rather than evenly distributing the burden among everyone that it serves. These fees trap people in a perpetual cycle of debt and punishment when they are unable to pay.

- Approximately 1 in every 75 people are under probation or parole in the United States.<sup>1</sup>
- Assessing these fees can entrench families and communities in a cycle of poverty, putting jobs, housing, and sometimes even families in constant uncertainty.

And when people inevitably miss a payment, their liberty is at stake. When a person fails to pay in Maryland, parole can be revoked, causing individuals to go back to a state of incarceration. This damages their pathways to opportunity and success, along with those of their family, the larger community, and at an extensive cost to the government. These technical violations have long-term impacts, even making individuals ineligible for future expungement where they may otherwise meet the criteria.

### *Equity Implications*

Senate Bill 728 would be a positive move toward ending harmful fees in Maryland. While many states authorize supervision fees for those on parole, a growing number of states do not. Recognizing the harms of these fees, states are ending these practices, creating better opportunities for those reentering to succeed.

- In recent years, Delaware, New York, California, Oregon, and Massachusetts ended these fees, joining a handful of other states that do not authorize the use of these fees.

### *Impact*

Senate Bill 728 would likely **improve racial and economic equity** in Maryland.

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- i <https://finesandfeesjusticecenter.org/content/uploads/2022/05/Probation-and-Parole-Fees-Survey-Final-2022-.pdf>
  - ii <https://www.prisonpolicy.org/blog/2022/02/08/employment/>
  - iii <https://nicic.gov/resources/nic-library/state-statistics/2021/maryland-2021>
  - iv <https://www.brennancenter.org/sites/default/files/legacy/publications/MD.Fees.Fines.pdf>
  - v [https://finesandfeesjusticecenter.org/content/uploads/2023/05/Debt\\_Sentence\\_FFJC-Wilson-Center-May-2023.pdf](https://finesandfeesjusticecenter.org/content/uploads/2023/05/Debt_Sentence_FFJC-Wilson-Center-May-2023.pdf)