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POSITION ON PROPOSED LEGISLATION

BILL: SB786 Correctional Services – Private Detention Facilities

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 2.19.25

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on SB786. While rights violations can occur in publicly run as well as private facilities, private prisons and detention centers create a particular risk that the rights and safety of individuals will be subordinated to the pursuit of profit. This bill wisely and proactively clarifies that no private detention facility in Maryland will be permitted to violate the fundamental rights of its charges with impunity.

Detained individuals face a variety of barriers to protecting themselves against rights violations by the facility where they are held. Both internal and external complaint processes generally require a level of literacy, English fluency, and savvy in navigating bureaucratic systems that renders effective self-advocacy unrealistic for many of the most vulnerable detained people. Even when a person is able to navigate those systems, their efficacy is easily undermined by the facility staff, either intentionally or via negligence. Without income, most detained people quickly become indigent, so retaining an attorney is often out of reach, and the availability of pro bono assistance is limited. This legislation empowers the Attorney General to effectively investigate and bring to light rights violations that might otherwise go unnoticed except by their victims, and to file suit where appropriate on behalf of those who have been harmed. The possibility of economic damages, civil penalties, and legal fees in addition to injunctive relief is important to ensuring that the bill has a real deterrent effect on corporations motivated to protect their bottom line. The Office of the Public Defender strongly supports this common-sense step toward protecting the rights of all those detained in our State.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on SB786.

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