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## **POSITION ON PROPOSED LEGISLATION**

**BILL: HB 240 Courts - Maryland Judicial Public Text Messaging System - Report**

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

**POSITION: Favorable**

**DATE: January 22, 2025**

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The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on HB 240. If passed, HB 240 will require annual reporting on the Maryland Judicial Public Text Messaging System. This will provide transparency and oversight of the text messaging system and facilitates its effective growth throughout jurisdictions for a wider variety of cases.

Text alerts are a valuable tool to ensure that individuals are aware of the date, time, and location of their court date. They are a data-driven practice for updating parties about their court dates. In addition to increasing efficiency for all court parties, this basic measure can substantially reduce the risk of incarceration. Studies show that the addition of text alerts reduces failures to appear (FTAs) and resulting bench warrants by up to 20-40%.<sup>1</sup>

OPD has long advocated for the addition of text reminders. It piloted an automated text program in 2018, with similar results to the studies cited in footnote one, and advocated for a more expansive program within the Judiciary. As the Court of Appeals' Administrative Order of April 22, 2020, indicates, the Judiciary pilot was equally successful, with the intent of expanding as a permanent measure.

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<sup>1</sup> See, e.g., Alex Choblas-Wood et al., *Automated Reminders Reduce Incarceration for Missed Court Dates: Evidence from a Text Message Experiment*, <https://5barad.com/papers/court-reminders.pdf>; Samantha Hammer, Alissa Fishbane, & Shannon McAuliffe, *Smart Court Appearance Strategies: Court Date Reminders*, <https://www.ideas42.org/blog/smart-court-appearance-strategies-court-date-reminders/>; By Michael Houlberg, Institute for the Advancement of the Legal System, *Text and Email Notifications Keep Court Users Up to Date* (March 2020), <https://iaals.du.edu/blog/text-and-email-notifications-keep-court-users-date>.

Annual reporting on the Maryland Judiciary Public Text Messaging System will provide transparency about the growth and effectiveness of this program. OPD is eager to see this program expand to Circuit Court cases, while also ensuring that the implementation does not result in unintended consequences. OPD has heard from clients who received inaccurate information from text reminders, and seeks to ensure safeguards against negative consequences for inaccurate information are in place. Moreover, many OPD clients lack consistent cellphone service. If text alerts are relied upon exclusively, these individuals would not receive those notifications, even if they initially signed up to receive them.

OPD is a frequent partner with the court on criminal justice initiatives, and is eager to support the growth and improvement of the Maryland Judiciary Public Text Messaging System. The reporting proposed under HB 280 will enable us and other stakeholders to provide input on how to improve the text message service, and also more thoroughly inform clients about the value and impact of this service.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on HB 240.**

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