

February 28, 2025

The Honorable Chairman Clippinger
The House Judiciary Committee

**RE: HB 1125 – Workgroup on Home Detention Monitoring – Report Alterations
and Data Collection
Position: Favorable with Amendments**

Dear Mr. Chairman Clippinger and Members of the Judiciary Committee,

On behalf of Advantage Sentencing Alternative Programs (ASAP) Home Detention and A1 Trusted Monitoring Home Detention, two of the largest private home detention monitoring companies in the state of Maryland, we respectfully support HB 1125 with amendments.

This committee passed SB 468- Criminal Law- Private Home Detention Monitoring – Notification, during the 2024 legislative session. The crux of this bill was requiring private home detention monitoring companies under three different circumstances of violation to notify the Court and Law Enforcement Agency.

Here are the three circumstances:

1. Violation of exclusionary zone – private home monitoring company pursuant to last year’s bill, must notify the Court and the Law Enforcement Agency immediately;
2. Escape/tampering violation -- private home monitoring company pursuant to last year’s bill, must notify the Court and Law Enforcement Agency within 1 hour; and
3. Any “garden variety” violation – private home detention monitoring company, pursuant to last year’s bill, must notify the Court and the Law Enforcement Agency within 24 hours.

Our amendment would essentially strike the requirement to notify the designated law enforcement agency under number 3 for any “garden variety” violation. See below:

Article – Business Occupations and Professions

20-401

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, on determining that a defendant subject to private home detention monitoring under

the provisions of § 5-201(b) of the Criminal Procedure Article violated a condition of home detention monitoring, the private home detention monitoring agency responsible for monitoring the defendant shall notify THE COURT THAT ORDERED PRIVATE HOME DETENTION MONITORING AS A CONDITION OF THE DEFENDANT'S PRETRIAL RELEASE WITHIN 24 HOURS. [;and

(ii) the designated law enforcement agency, as determined by the court, in Baltimore city or the county where the court is located.]

The purpose for this amendment is that the requirement to notify the designated Law Enforcement Agency for practically any violation, including but not limited to, defendant going to the hospital or grocery store, serves no worthwhile purpose. Instead, it burdens law enforcement with notifications that they will do nothing with, incurring time and expense in reviewing, cataloging, etc. without any end goal of law enforcement. Of course, we still notify the Court of the said violation, and it is incumbent upon the Court to determine whether or not the filed "garden variety" violation should give rise to the issuance of a warrant, in which event law enforcement would come into the picture.

Last year's bill included hefty fines in the event a private home monitoring company failed to comply with the law. Therefore, in the event a private home monitoring company failed to notify a law enforcement agency within 24 hours of for example, a defendant's late check-in, then a private home monitoring company would be subject to a \$1,000 fine.

Ironically, we believe that the current notice requirement pursuant to §20-401 (b)(1)(ii) may actually lead to "real" notices -- where action should be taken by law enforcement (like an exclusion or escape type violation) -- being overlooked because of the number of violation notices being received. We estimate that 90%+ of the violation notices generated are "garden variety" violation notices, and thus since only 10% (or less) of the notices are actionable on the part of law enforcement, the unnecessary 90% should be eliminated.

In addition to removing that section, our industry believes that the Legislature should codify the current three-year record retention that is part of the Maryland Commission on Correctional Standards, which we believe is more practical than the current law as indicated by our above comments.

Thank you for your time and attention to this matter and we respectfully request a favorable report with our suggested amendments.

Sincerely,

Ari Plaut

410-323-7090

Aplaut.bostonplautlaw@gmail.com