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DATE: March 3, 2026

BILL NUMBER: HB 0743

POSITION: Unfavorable

Dear Madame Speaker and Members of the Committee:

On behalf of the Maryland State's Attorney's Association and the Frederick County State's Attorney's Office, I write in strong opposition to HB 0743.

HB 0743 repeals the requirement that a private home detention monitoring agency provide notice to the designated law enforcement agency for violating a condition of home detention monitoring under certain circumstances. Throughout the State, home detention is heavily utilized for pre-trial supervision, pre-sentence supervision, and as an alternative to active incarceration at sentencing. Home detention is ordered in cases ranging from misdemeanors to felony sexual offenses and violent crimes. Countless suspects and convicted defendants are supervised through private home detention. Violations of home detention are a direct violation of the court's orders. Because home detention agencies are largely independent, prosecutors, law enforcement, and the court must rely on home detention providers to communicate these direct violations of the court's orders.

HB 0743 erodes communication between home detention agencies and law enforcement and will erode confidence in the use of private home detention. This legislation is a clear step backward in ensuring safety to the community and faith in this alternative to active incarceration. In 2024, I experienced firsthand the devastating impact caused by a lack of transparency and communication with private home detention agencies and law enforcement. In my case, the Defendant entered a guilty plea to Sexual Abuse of a Minor. The Defendant was on private home detention pre-trial and remained on home detention pending sentencing. However, prior to sentencing, the Defendant cut off his home detention monitor and took a one-way flight out of the country. The home detention provider did not contact the Court, the State's Attorney's Office, or law enforcement, after receiving a notice that the Defendant tampered with the device and removed his monitor. Instead, the provider spent considerable time trying to contact the Defendant and his guarantor. It was not until hours later that the agency filed a written notice to the Court advising of the absconding. At no time, did the provider directly contact or attempt to contact any other party to the case. As the prosecutor assigned to this case, I was not notified the Defendant cut off his monitor until the Judge's Administrative Assistant reached out to the State and Defendant's counsel hours later to provide a copy of the violation notice. This delay deprived the parties and the system of opportunities to utilize available resources to prevent the Defendant from fleeing the country and the Court's sentence for a felony sexual offense committed against a young child. When I reached out to the home detention agency, I was informed that the home detention agency did all that they were required to

do under the law at that time. I was further informed by the provider that legislation would be going into effect that would change their reporting requirements, but that, at that time, no such notification was required. Subsequently, legislation was passed requiring notice in these circumstances.

Private home detention agencies are entrusted with great responsibility. They owe a duty to the court, the communities they serve, the State, and the defendants. Providing notice of violations of the court's orders is not an onerous requirement. HB0743 decreases accountability for these agencies and will decrease faith in their services. Notice requirements should not be repealed at the expense of ensuring safety to the community, justice for victims, and enforcement of court ordered conditions.

For these reasons, the Maryland State's Attorney's Association and the Frederick County State's Attorney's Office request an unfavorable report on HB 0743.

A handwritten signature in blue ink, appearing to read "Erin Pearl". The signature is fluid and cursive, with a large loop at the end.

Erin Pearl
Assistant State's Attorney, Special Victims Unit
Frederick County State's Attorney's Office