



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith Jr., Chairman and
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 10, 2020

RE: **SB 679- Criminal Procedure - Pretrial Release - Reimbursement of
Special Condition Costs**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE SB 679. SB 679 would require counties to reimburse defendants that have been found not guilty for costs they incurred to comply with pretrial conditions judges imposed.

While the intention of SB 679 may be to address costs imposed on defendants, the bill may have unintended consequences that may disincentivize pretrial programs and subsequently harm the very defendants it is intending to help. Many counties do not charge fees for their pretrial programs and fees for indigent defendants are already waived in many circumstances across the criminal justice system. The costs that remain are nebulous or potentially significant. These include transportation costs associated with the special conditions and costs for substance use disorder or mental health treatment. Counties would also be forced to reimburse for the costs of private electronic monitoring which a defendant may opt for and corporate surety fees. Because the ultimate disposition of a case is outside of their control, counties would not even be able to budget for these reimbursements.

As a result, counties may be forced to reconsider their use of limited resources. If SB 679 passes, some counties may need to consider whether it is feasible to offer pretrial services and whether they have the fiscal resources to reimburse for them, if necessary. Criminal justice reform efforts have encouraged the expansion of pretrial services. SB 679 could deter jurisdictions from implementing or continuing these services.

For these reasons MCPA and MSA OPPOSE SB 679 and urge an UNFAVORABLE committee report.

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