



Department of Public Safety and Correctional Services

Office of the Secretary Office of Legislative Affairs

45 Calvert Street, Suite B7A-C, Annapolis MD 21401
410-260-6070 • Fax: 410-974-2586 • www.dpscs.state.md.us

STATE OF MARYLAND

LAWRENCE J. HOGAN, JR.
GOVERNOR

BILL: HOUSE BILL 1377

BOYD K. RUTHERFORD
LT. GOVERNOR

POSITION: LETTER OF INFORMATION

STEPHEN T. MOYER
SECRETARY

EXPLANATION: This bill establishes that a pretrial defendant being monitored by a private home detention monitoring agency as a condition of release may not be required to pay the home detention monitoring agency's monitoring fee or pay for a home detention monitoring device if (1) the defendant qualifies as an indigent individual under § 16-210 of Criminal Procedure Article or (2) the electronic monitoring device can be provided by a State or local jurisdiction.

WILLIAM G. STEWART
DEPUTY SECRETARY
ADMINISTRATION

J. MICHAEL ZEIGLER
DEPUTY SECRETARY
OPERATIONS

RACHEL SESSA
ASSISTANT SECRETARY

COMMENTS:

CATHERINE KAHL
DEPUTY DIRECTOR

- Established under Title 20 of the Business Occupations and Professions Article, a Private Home Monitoring Agency (PHMA) is a private business that provides monitoring services for a fee to individuals who are under a court order that requires monitoring by a private home detention monitoring agency (PHDMA)
- Under current law, as a condition of pretrial release, a court may require a defendant be monitored by a private home detention monitoring company. The defendant must pay a monitoring fee directly to the monitoring company.
- The request for placement under supervision by a PHDMA is typically made by the defense attorney and the defendant, and granted by the judge. The judge has the ability to stipulate the terms of the supervision and the PHDMA selected has the right to refuse supervision.
- The State of Maryland has five private home detention monitoring agencies operating and monitoring over 246 court ordered individuals. If this bill is passed into law, a defendant who qualifies as indigent will not be required to pay a monitoring fee to a private home detention company. This will undoubtedly cause these companies to refuse to take indigent defendants as clients. As a result, more pretrial defendants will be detained by state and local detention centers in Maryland.
- The elimination of the supervision fee to a private home detention center could potentially put them out of business. Serving defendants in the community is far more cost effective than to hold them in jail.

CONCLUSION: For these reasons, the Department of Public Safety and Correctional Services respectfully requests this Committee consider this information as it deliberates on House Bill 1377.

REVERSE