



**Testimony for the House Judiciary Committee  
March 10, 2020**

**HB 1377 – Criminal Procedure - Conditions of Pretrial Release  
Home Detention Monitoring**

**SUPPORT**

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The ACLU of Maryland supports HB 1377. This bill would eliminate the fees imposed on pretrial defendants who qualify as an indigent individual under § 16-210 of Criminal Procedure Article and are required to be supervised by a Private Home Detention Monitoring Agency (PHDMA) as a condition of their release.

According to the fiscal note and policy note accompanying the 2019 introduction of this bill, very few pretrial defendants are placed on private home detention<sup>1</sup> and this typically occurs more in rural counties without pretrial service programs. Currently, there are seven PHDMAs licensed in Maryland and about 278 individuals being monitored.<sup>2</sup> The electronic monitoring equipment provided is purchased through third party vendors and requires the defendant to assume the cost of the equipment. PHDMAs have the right to refuse supervision and typically do so to individuals unable to pay for services.<sup>3</sup>

**Supervision fees may amount to debtors' prisons**

More than three decades ago, the U.S. Supreme Court clearly established that the promises of equality and fairness embedded in the Fourteenth Amendment to the U.S. Constitution protect against the jailing of poor people simply because of their inability to pay. Yet, for many defendants throughout the state, the fees associated with pretrial release may be prohibitively high, especially in programs run by PHDMAs. Consider for example, Alert Inc. which charges a defendant \$17 per day for GPS monitoring—that is about \$510 per month and A1 Trusted Monitoring, which charges defendants between \$14 to \$18 per day, or \$420 to \$540 per month for GPS monitoring.<sup>4</sup>

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<sup>1</sup> HB 566 Criminal Procedure - Conditions of Pretrial Release - Home Detention Monitoring, Fiscal and Policy Note (2018).

<sup>2</sup> Department of Public Safety and Correctional Services (2019). *Private Home Detention Monitoring Agencies*. Towson Maryland, pp.1-6.

<sup>3</sup> Id

An analysis of the 2016-2017 National Survey of Drug Use and Health data revealed that nationwide, 66% of the people on probation make less than \$20,000 per year. Compared to 28% of those not on probation who make at least \$50,000 per year.<sup>5</sup>

Families go into debt, bills go unpaid and groceries are foregone in order to pay fees for basic pretrial services. Failure to pay these fees may result in re-incarceration, and the resulting cycle of poverty and jail can be nearly impossible to escape. Worse, these are persons who the courts determined were safe enough to be released while they await their trial.

HB 1377 would prevent indigent people from accumulating mountains of debt that they have little possibility of repaying. This debt not only interferes with effective re-entry and rehabilitation, but also interferes with other financial obligations that society has strong interests in seeing met, like child support and victim restitution.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on HB 1377.

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<sup>5</sup> Finkel, M. (2019). *New data: Low incomes – but high fees – for people on probation*. [online] Prisonpolicy.org. Available at: [https://www.prisonpolicy.org/blog/2019/04/09/probation\\_income/](https://www.prisonpolicy.org/blog/2019/04/09/probation_income/)

