



The Senate of Maryland
ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR SHELLY HETTLEMAN
SB 23 – CONDITIONS OF PRETRIAL RELEASE - HOME DETENTION MONITORING

This bill seeks to remove unjust financial obligations from those who are presumed innocent and awaiting trials and who are deemed unable to pay by the Office of the Public Defender. In an effort to reduce the number of people incarcerated and the reliance on cash bail for release, some defendants are released to home detention and required to wear GPS monitoring devices. The COVID 19 pandemic has also increased the use of pre-trial home detention in an effort to limit the risk of spread among prison populations.

Those charged with, but not convicted of, a crime should not bear the financial burden of their monitoring. This puts low-income defendants in an impossible situation. While they await trial - often with lengthy delays - home detention could likely mean they are unable to earn a wage. Requiring them to pay for their monitoring may put them in debt and force them to choose between paying for essentials such as rent, childcare, groceries, and healthcare and paying to remain outside of jail. This bill is an extension of an effort to end the wealth-based pretrial detention system that is criminalizing poverty.

In Baltimore County, the home monitoring fee was eliminated last month. In fiscal year 2020, more than \$118,000 in fees were collected- up 30% over the previous year. This could be attributed, in part, to pandemic-related court delays.¹ And while coronavirus has provided a greater incentive for judges to order home monitoring, it has also underscored the financial burden of these fees.

If monitoring fees are not paid, the defendant is in violation of pretrial detention and could be jailed. This is an equal protection issue that preys predominately on people of color. Two thirds of pretrial detention cases result in dropped charges or no conviction. It is inappropriate and unjust to pass these costs to people who are supposed to be presumed innocent.

¹ Knezevich, A. (2021, January 04). Baltimore County eliminates fees for people on home detention. Retrieved February 01, 2021, from <https://www.baltimoresun.com/maryland/baltimore-county/bs-md-co-home-detention-fees-20210104-enkpp3xuvndvnlrjrrxu2t7swe-story.html>

I have offered an amendment that would change the date from October 1 to July 1. It is critical that this legislation be enacted as quickly as possible to give relief to innocent people awaiting trial who struggle with the devastating impacts of COVID and resulting court delays. Expensive home monitoring fees create unnecessary impediments, and the elimination of home monitoring fees will better allow people to support themselves and their families. For these reasons, I ask for your support of SB23.