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SUPPORT – HB 1331: Maryland Criminal Justice Debt Elimination and Prevention Act of 2021

House Judiciary Committee, March 9, 2021

Testimony of Temidayo Joseph, Linda Kennedy Fellow
Homeless Persons Representation Project, Inc.

The Homeless Persons Representation Project, Inc. (HPRP) is a non-profit civil legal services provider that provides free legal representation to people who are homeless or at risk of homelessness on legal issues that will lead to an end to homelessness. HPRP has provided free criminal record expungement services to thousands of low-income Marylanders.

HB 1331 eliminates many court-related fines and fees that disproportionately burden lower-income communities of color and people experiencing homelessness.

In the United States and Maryland, people of color are disproportionately affected by poverty and housing instability, as well as our deeply flawed criminal justice system that includes over-policed communities, disproportionately higher searches, arrests, convictions, and longer sentences for Black people. Socio-economic inequalities, embedded in our racially biased and discriminatory systems, including accessing housing, health care, and education are indivisible from the circumstances that fuel mass incarceration and the criminalization of poverty.¹

Court-related fines and legal fees encourage a vicious cycle of poverty and incarceration placed upon the backs of the most vulnerable populations.² These fines and fees are essentially another unfair burden placed on the shoulders of the impoverished. They serve to further criminalize poverty and homelessness, placing an unattainable price on justice. People who cannot afford to pay fines and fees, risk arrest, civil judgment against them or even being imprisoned. These fees can affect an individual's credit scores and subsequent ability to secure housing which greatly increases the chance of recidivism, potential jail time, and racial inequality which all serve to further alienate people experiencing homelessness from regaining a place of comfort and stability in society.³

HB 1331 will eliminate the filing fee currently attached to filing a petition for expungement, which will reduce barriers for people experiencing homelessness to accessing housing and employment.

In November of 2016, a report by the Maryland Office of the Public Defender concluded that the

¹ United States Interagency Council on Homelessness, Homeless Courts: *Recognizing Progress and Resolving Legal Issues that Often Accompany Homelessness*, July 9, 2020, available at <https://www.usich.gov/news/homeless-courts-recognizing-progress-and-resolving-legal-issues-that-often-accompany-homelessness/>

² Chandler, Ashlie, University of Washington, School of Public Health: *Could Court Fines and Fees be Keeping People Homeless*, July 1, 2019, available at <https://sph.washington.edu/news-events/news/could-court-fines-and-fees-be-keeping-people-homeless>

³ No Price on Justice, Fines and Fees Justice Center: *NY Lawmakers Introduce Bill To Eliminate Predatory Court Fines and Fees*, September 29, 2020 available at <https://finesandfeesjusticecenter.org/2020/09/29/press-release-ny-lawmakers-introduce-bill-to-eliminate-predatory-court-fines-fees/>

state's reliance on pretrial detention wealth-based schemes caused the incarceration of tens of thousands of citizens.⁴ Many Marylanders have charges on their criminal record even though they were not prosecuted, not found guilty, the charge was dismissed, and for convictions for crimes that are no longer crimes. Although these charges may be eligible for expungement from one's criminal record in Maryland, many people cannot afford the filing fee required to initiate the expungement process. Maryland's reliance on money-based schemes in facilitating criminal justice has caused a huge transfer of wealth from its poorest communities to the hands of local and state governments. The carrying out of justice should not be predicated by one's ability to fund the state's court systems.

HB 1331 would eliminate improper incentives to police minority communities aggressively for financial revenue.

HB 1331 presents the opportunity to correct the misuse of our criminal justice system in placing financial burdens upon vulnerable communities to benefit municipalities' bottom line. After the killing of Mike Brown in 2014, the U.S. Department of Justice investigated the city of Ferguson and found that the city, like most American cities, relied heavily on these fines and fees for revenue.⁵ Naturally, this produced an unjust and inequitable financial incentive to aggressively police people and violate their constitutional rights for the financial benefit of the city.⁶ In 2012, The United States Commission on Civil Rights, conducted a 50-state survey looking at the top 100 municipalities in terms of revenue stemming from fines and fees and found that almost 70% of the top 100 municipalities are located within Maryland and five other states.⁷

The elimination of fees under HB 1331 will reduce one of the many barriers that people experiencing homelessness face in accessing housing and income stability, and the quality of life they deserve.

Please support HB 1331 and issue a favorable report.

If you have any questions, please contact Temidayo Joseph, Linda Kennedy Fellow, Homeless Persons Representation Project at LKFellow@hprplaw.org

4 Dewolfe, Paul: *The High Cost of Bail: How Maryland's Reliance on Money Bail Jails the Poor and Cost the Community Millions*, March 13, 2017, available at https://www.publicdefenders.us/blog_home.asp?display=516

5 United States Department of Justice, Civil Rights Division: *The Ferguson Report: Department of Justice investigation of the Ferguson Police Department*, 53, p. 42 - 43 (2015), available at https://www.justice.gov/sites/default/files/opa/pressreleases/attachments/2015/03/04/ferguson_police_department_report.pdf

6 *Id.*

7 United States Commission on Civil Rights: *Targeted Fines and Fees Against Communities of Color*, at 24, available at https://www.usccr.gov/pubs/2017/Statutory_Enforcement_Report2017.pdf