

**CITY OF BALTIMORE
COUNCIL BILL 21-0009R
(Resolution)**

Introduced by: President Mosby, Councilmembers Middleton, Bullock, Torrence, Cohen
Introduced and adopted: January 13, 2021

A COUNCIL RESOLUTION CONCERNING

Request for State Action – Elimination of Home Detention Monitoring Fees

FOR the purpose of calling on the General Assembly to pass and the Governor to sign legislation eliminating home detention monitoring fees as a matter of fundamental fairness during these economically-challenging times.

Recitals

For the 10% of Marylanders living below the federal poverty line, the management and repayment of even small debts can be a major challenge. This challenge is further exacerbated for those with a criminal record, a significant barrier to employment. However, despite these known obstacles, those who interact with the criminal justice system are levied with fees and other criminal justice system fines in order to access pretrial release. While Maryland has moved away from the “cash bail” system, other forms of release are still similarly situated. Simply put, there are still significant fees related to pretrial release and heavy fines allocated to those who fail to comply with their pretrial release conditions without any regard for the defendant’s ability to pay.

Studies show that 80-85% of those who are released have debt due to fees incurred while incarcerated, which includes fees for electronic monitoring, home detention monitoring and GPS monitoring. This translates into approximately 10 million individuals who owe more than \$50 billion in debt that is likely to never be repaid due to financial circumstance. This debt further impoverishes already indigent individuals, who lack access to educational opportunity and are less employable due to their criminal record.

The assessment of fees onto those who are incarcerated, especially pretrial, creates an unbreakable cycle that can be fixed by assessing the ability to pay beforehand and granting waivers to defendants who show an inability to do so. An inability to pay is simply that, regardless of the amount or time given to pay it. Additionally, the costs, although insurmountable, place many defendants in the arduous position of choosing between compliance with their conditions to maintain their freedom or maintaining their households.

Legislation that would eliminate these fees would go a long way towards allowing families to support themselves, especially when many are essentially subject to indefinite home detention due to the COVID-19 pandemic. We can and we must do more to help these struggling families and the elimination of these fees is a small start.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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1 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
2 Council calls on the General Assembly to pass and the Governor to sign legislation eliminating
3 home detention monitoring fees as a matter of fundamental fairness during these
4 economically-challenging times.

5 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Governor, the
6 Honorable Chairs and Members of the Baltimore City House and Senate Delegations to the
7 Maryland General Assembly, the President of the Maryland Senate, the Maryland House
8 Speaker, the Maryland Secretary of Public Safety and Correctional Services, the Mayor, and the
9 Mayor's Legislative Liaison to the City Council.