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Ways and Means Committee
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

**HB316- Conditions of Pretrial Release - Home Detention Monitoring
Hearing: January 26th, 2021**

Chairman Clippinger, Vice Chair Atterbeary, and Members of the Judiciary Committee,

HB0316 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 a 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 (eligibility for representation by the Office of the Public Defender (OPD)) or
2. The State or a local jurisdiction provides the private home detention monitoring device or a global positioning device.

Current Policy

A private home detention monitoring agency (PHDMA) 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. A PHDMA does not use equipment provided by the State or local jurisdiction. The Department of Public Safety and Correctional Services (DPSCS) advises that, as of July 2019, there are five licensed PHDMAs who provide services to 246 individuals across Maryland. PHDMAs provide the electronic monitoring equipment, which is made available through contracts with third-party vendors.

The defendant assumes the cost of the equipment. The per diem fees for PHDMAs range from \$10 to \$20 with additional hook up fees as high as \$100. Some jurisdictions, like Montgomery County and Prince George's County, with pretrial services programs do not charge fees for GPS/electronic monitoring services. Now that many more defendants face home detention due to the pandemic, it is criminalizing poverty to require these fees from parties who have not been convicted of a crime.

Improved Policy Outcomes with HB316

This bill will not penalize indigent defendants who have yet to be convicted of a crime with confinement just because of their economic situation. This bill will also create a fairer and more equitable landscape for indigent defendants across the state.

I urge you to vote favorably on **HB316**.

