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HB 1331

Maryland Criminal Justice Debt Elimination and Prevention Act of 2021

Hearing before the House Judiciary Committee, March 9, 2021

Position: SUPPORT

The Public Justice Center (PJC) supports HB 1331 as a critical component of criminal justice reform that is long overdue.

In collaboration with the Coalition for a Safe and Just Maryland, the PJC has long fought the imposition of fees, charges, and resulting debt on individuals interacting with the criminal justice system, beginning with unaffordable bail. Other fees charged in connection with criminal proceedings are also unconstitutional when imposed on indigent people, and the great majority of those targeted by and caught up in the system are in fact indigent. Because of this, criminal justice debt traps people in poverty even long after they have served their time, adding to their inability to find decent housing, jobs, and to support their families. It can even result in a return to jail for inability to pay. And Black and brown individuals and communities throughout Maryland bear far more than their share of these burdens, because they are both disproportionately poor and disproportionately targeted for criminal prosecution.

Many of these unfair and burdensome debts are imposed on those presumed innocent, including, as just one example, unaffordable fees for GPS monitoring during pretrial release. Among the most ironic is the application fee for representation by a public defender. The public defender represents only those who are indigent; by definition they cannot constitutionally be required to pay for a lawyer. Moreover, a significant majority of those who face criminal charges in Maryland are never convicted; thus, these debts bear down on the lives and families not just of people who are presumed innocent but on many thousands who *are* innocent. Yet the debt remains.

The PJC is a non-profit legal advocacy organization that pursues racial equity and an end to poverty. Its Prisoners Rights Project seeks basic justice through reform in the criminal justice system and an end to all unnecessary detention and incarceration. Decriminalizing poverty is critical to achieving those goals.

The PJC urges a FAVORABLE REPORT on HB 1331. If you have any questions, please feel free to contact Debra Gardner, Legal Director, at gardnerd@publicjustice.org or 410 625 9409 ext 228.

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