



House Bill 49

Criminal Procedure - Pretrial Release - Pretrial Risk Assessment Instruments

MACo Position: **SUPPORT WITH
AMENDMENTS**

To: Judiciary Committee

Date: January 21, 2019

From: Natasha Mehu

The Maryland Association of Counties (MACo) **SUPPORTS WITH AMENDMENTS** HB 49. The rapid reassessment process required in the bill would have onerous and unnecessary financial and operational impacts that may unintentionally undermine the ability for county jails to efficiently use a pretrial risk assessment tool.

While counties believe it is important to use evidence-based tools that are effective, efficient, and equitable, HB 49 sets requirements for reassessments of county jail pretrial risk assessment tools that are too frequent and cost-prohibitive to achieve the intended goals.

HB 49 would require counties that use pretrial risk assessment tools to have those tools independently assessed every three years. The three-year time frame would result in a near continuous cycle of assessments as up to three years of data may be necessary for revalidation. The proposed cycle would not leave sufficient time between assessments to collect and analyze the necessary data to determine whether the tool meets the intended outcomes or to decide if any changes to the tool are warranted.

The cost for reassessments can reach close to \$100,000 if information technology contractors and/or additional staff are needed to generate and analyze the appropriate data and reports. This, paired with the frequency of the bill's reassessment, would be particularly burdensome and cost-prohibitive to smaller county jails with fewer resources. The cost and frequency could discourage such counties from adopting or continuing to use pretrial risk assessment tools.

To address these concerns, MACo proposes amendments (attached) that would (1) extend the timeline between reassessments to a frame that is reasonable and feasible for effective assessments; and (2) extend, clarify, and prioritize a source of grant funding for the reassessments so as not to impose an unfunded mandate on county jails.

Counties believe these amendments would allow jails to exercise best practices by revalidating pretrial risk assessment tools periodically to ensure optimal performance, while ensuring the jails are not overburdened to the detriment of using a pretrial risk assessment tool in the process. For these reasons, MACo urges a **FAVORABLE WITH AMENDMENTS** report on HB 49.

MACo Amendment No. 1:

(create a reasonable timetable for validation studies)

On page 2, in line 1 strike "3 years" and insert "**10 YEARS FROM THE COMPLETION OF THE LAST VALIDATION**".

MACo Amendment No. 2:

(ensure grant funding is available and prioritized)

On page 2, after line 1 insert "**(C) JURISDICTION MAY RECEIVE GRANT FUNDING FOR THE REQUIRED INDEPENDENT VALIDATION STUDIES THROUGH THE PRETRIAL SERVICES GRANT FUND IN §4-801 OF THE PUBLIC SAFETY ARTICLE. A JURISDICTION USING AN ASSESSMENT TOOL NEARING ITS PERIOD OF VALIDATION SHALL BE GRANTED PRIORITY CONSIDERATION FOR GRANT FUNDING TO SUPPORT THE REQUIRED NEW VALIDATION STUDY**".

MACo Amendment No. 3:

(extend source of grant funding to be available)

Chapter 771 of the Acts of 2017 (HB 447)

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018. ~~It shall remain effective for a period of 5 years and, at the end of June 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.~~