



House Bill 480

Criminal Procedure – Pretrial Release - Fees

MACo Position: **OPPOSE**

To: Judiciary Committee

Date: February 13, 2018

From: Natasha Mehu

The Maryland Association of Counties (MACo) OPPOSES HB 480. This bill sets a broad prohibition on the ability of local jails to impose fees for pretrial services, which may result in unintended consequences affecting the ability to provide pretrial services.

Pretrial services help to mitigate the fiscal and human cost concerns with unnecessary incarceration. These programs support safety and efficiency by ensuring that the appropriate high-risk individuals are incarcerated while the appropriate low-risk individuals are released. Pretrial conditions for release may include reminder calls, electronic monitoring, and drug testing, as well as mental health or substance abuse treatment or counseling.

HB 480 would (1) prohibit the state, county, or any entity operating on behalf of the state or county from requiring any payment for pretrial services or pretrial security measures, and (2) remove the requirement that a defendant placed in a private home detention program directly pay for the agency's monitoring fee.

Counties understand the intent to ensure defendants are not overly burdened with the costs of criminal justice, however the State must be mindful not to undercut pretrial programs by broadly removing the ability to recoup some associated costs. Recent and ongoing efforts to expand county pretrial services will likely add to the volume of pretrial participants and subsequently, the costs and resources associated with providing those services.

It is important to note that pretrial services do not always include fees, and when fees are assessed they frequently merely help to recoup some share of actual service costs. They are not imposed for profit. Additionally, there are often requirements for the fees to be waived if a defendant is indigent and cannot afford to pay.

A broad prohibition on payment for pretrial services that does not account for the anticipated increase in the volume of pretrial participants, a defendant's ability to pay, or alternative sources of funding may undermine burgeoning county pretrial programs. For these reasons, MACo urges an **UNFAVORABLE** report on HB 480.