



## **Support SB 880 / HB 1390: MD Pretrial Reform Act of 2017**

Marylanders deserve a pretrial system that is SAFE and JUST.

### **THE CHALLENGE**

- Maryland's current pretrial system provides a clear advantage to people who have easy access to monetary resources and a distinct disadvantage to those who do not. **Marylanders of low-risk and limited means languish in jail even as wealthier individuals who present a serious danger to public safety walk free.**
- People who pose no threat to public safety yet are jailed because they cannot afford a commercial bond, may experience the loss of wages, jobs, and housing, while other important life matters, such as child care or child support payments, are put on hold. **The effect is most pronounced for communities of color.**
- As a result, Maryland's current pretrial system is facing three major issues that must be immediately addressed: **economically and racially discriminatory bail policies and practices; bail policies and practices that put community safety at risk; and little use of community-led, evidence-based practices that can address both economic and racial disparities and community safety.**

### **CURRENT POLICY**

- Persons who are arrested and taken into custody appear before a District Court Commissioner for an initial appearance within 24 hours after arrest. If they are not released on their own recognizance (with a written promise to return to court at a specified date) or with a bond, they are sent to a District Court Judge for a bail review hearing, which occurs the next court business day.
- At either hearing, for those defendants not released on their own recognizance, the courts may offer three general types of financial bonds: (1) an unsecured bond, where defendants simply sign a document and personally guarantee they will appear, or pay the full bond; (2) a 10 percent cash deposit on the bond; or (3) a cash bond, where defendants have the option to pay the full amount prior to release; or engage the services of a commercial, for-profit bail bonding company, which guarantees, before release, the full bond amount for a nonrefundable fee (typically around 10 percent), either as a lump sum or in installments.<sup>1</sup>
- If the defendant satisfies the cash bond and appears for court, their monies are reimbursed at the conclusion of the trial, regardless of the verdict.
- If unable to satisfy the bond amount, the defendant will remain incarcerated until the case is over. This is known as '*pretrial detention*', even though many cases are dismissed or resolved with trial, and can last from 48 hours to over one (1) year.

### **THE SOLUTION: SUPPORT THE MARYLAND PRETRIAL REFORM ACT OF 2017**

- Senate Bill 880 /House Bill 1390 accomplishes three main reforms:
  - Ensures that any pretrial release conditions must be the least onerous conditions to ensure the defendant's appearance in court and safety of victims and the community.
  - Requires that by 2021 all jurisdictions establish community-based pretrial services and use fair, just, and transparent processes to determine release.
  - The Act requires that all jurisdictions regularly collect and evaluate pretrial data in order to ensure the efficacy of the proposed reforms to Maryland's pretrial system.

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<sup>1</sup> The Pretrial Release Project: A Study of Maryland's Pretrial Release and Bail System (Annapolis, Maryland: The Abell Foundation, 2011).