



TESTIMONY IN SUPPORT OF HOUSE BILL 1390:

Criminal Procedure – Pretrial Release – Reform (Maryland Pretrial Reform Act of 2017)

TO: Hon. Joseph Vallario, Chair, and Members of the House Judiciary Committee
FROM: Caryn York, Coalition Leader
DATE: March 7, 2017

The Coalition for a Safe and Just Maryland (“The Coalition”) is a coalition comprised of community leaders, concerned voters, and experts who are committed to helping Maryland finally achieve a statewide system of pretrial justice that truly keeps communities safe and is free from racial bias and other forms of injustice. We strongly support House Bill 1390 – The Maryland Pretrial Reform Act of 2017 - as the most practical, evidence-based path to making pretrial justice in Maryland fairer, safer, and more cost-effective.

According to two state commissions, numerous experts and our state Attorney General, Maryland’s current pretrial system is ineffective, unfair, wastes taxpayer dollars, and likely unconstitutional. Those with money—regardless of their danger to the community or victims—can buy their way out of jail. Meanwhile poor and working class people who can’t afford to post bail remain in jail, even if they are not a risk to public safety or are likely to appear for their next court date.

Because of its continued reliance on commercial bond, which includes cash bail, property, and other forms of collateral, 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 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. As a result, Maryland’s current pretrial system fails to protect public safety, wastes state and local resources, and discriminates against Black and Brown people who are disproportionately poor and economically disadvantaged due to our nation’s history of unequal opportunity and racism.

Because the current system results in people being held in jail simply because they are poor, Maryland’s Attorney General concluded the system is likely unconstitutional; and, on February 7th, the Maryland Court of Appeals unanimously approved a rule change requiring judges and commissioners to consider a person’s ability to pay before money bail amounts are set. House Bill 1390 supports this change while going a step further to ensure that money bail is considered only after exhausting all available non-financial conditions of release, use of validated, transparent, and bias-free risk assessment to inform court decisions regarding pretrial release, and mandates that all 24 jurisdictions enact pretrial services by 2021.

Now is the time for Maryland legislators to finish the job, and replace the current money-based pretrial system with a more effective, less expensive evidence-based approach that results in the nonfinancial release of most people and risk-based detention for those who are a threat to public safety or of flight. For these reasons, the Coalition for a Safe and Just Maryland urges a favorable report of House Bill 1390.