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Testimony from:

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SB 229: Public Safety – Pretrial Services Program Grant Fund – Extension and Program Requirements

February 3, 2021

Judicial Proceedings Committee

My name is Nila Bala, and I am the associate director of Criminal Justice Policy and Civil Liberties for the R Street Institute, which is a nonprofit, center-right, public policy research organization. I am also a former public defender from Baltimore city. I am writing in support of SB 229, which would prohibit charging a fee to a defendant for participation in certain grant-funded pretrial programs. The bill would also extend the termination date of the grant funding through 2023.

We are in favor of this bill because we know many individuals pretrial can be well supported in their community, without being incarcerated. Pretrial incarceration should be reserved for those who truly pose a danger to their community, and not simply because of an individual's poverty. This is because incarceration is extremely disruptive. Even a few days behind bars can lead to the loss of a person's home, work and family. Deprivation of liberty pending trial is a harsh measure by the state, and we must be circumspect in its use.

There is a legal presumption that defendants should be released on the least restrictive conditions necessary to assure community safety and court appearance. Pretrial services can help bridge the gap when there is a finding that an individual can remain in the community safely, but needs some assistance during that time.

SB 229 would equalize justice, and ensure that income is not a barrier to participating in pretrial services. The bill would also equalize justice across counties, as some counties already do not charge any fees for pretrial services.

Pretrial services are vital, and can help an individual be successful in their community. These programs can provide drug and alcohol treatment, and other needed services while an individual is awaiting trial.

Another function of pretrial services is to ensure an individual appears in court, for example, through cellphone reminders of hearing dates.

These reminders can help individuals make it to court and avoid a “failure to appear” finding from the judge, which can often lead to a warrant being issued for the defendant’s arrest. When these warrants are executed, and an individual must be booked, charged and incarcerated, the state and the individual pay a heavy price. Thus, pretrial services are not only good policy, but they make fiscal sense.

As a conservative organization, we support ending the practice of charging defendants fees for pretrial services. Similarly, we are also in favor of a number of other justice bills being heard. This includes SB 23, which would exempt indigent individuals from the home detention monitoring fee, and SB 201 that would decrease the waiting times for certain expungements. These bills would similarly equalize opportunities to access services in the justice system.

I appreciate the opportunity to testify on SB 229, and am available for questions.

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