



Maryland State's Attorneys' Association

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Dear Chairman Smith and Committee Members:

Thank you for the opportunity to comment on SB68. The Maryland State's Attorney's Association (MSAA) supports this bill, which requires a jurisdiction that uses a pretrial risk assessment tool to aid in determining the eligibility for pretrial release of an individual charged with a crime to have an independent validation study of the instrument conducted at least once every three years.

Currently, there are a handful of jurisdictions in Maryland that rely on pretrial risk assessment tools to determine an individual's eligibility for pretrial release based on a number of factors. When utilized properly, these tools can provide objective, empirical evidence to inform decision-making regarding, among other things, the likelihood that individuals will appear at future court dates and avoid re-arrest as well as the evaluation of certain public safety considerations.

The key to an effective tool, however, is consistent and regular predictive validation to ensure that it remains relevant, comprehensive and fair. This regular validation is universally considered a best practice in jurisdictions where a pretrial risk assessment tool is utilized given that, over time, the underlying metrics upon which the tool is based may change as laws, rules and policies in a particular jurisdiction evolve and change.

Regular revalidations of a tool, however, require a significant infusion of funding to ensure consistent assessment and update. Given this, it is the recommendation of MSAA that SB68 be amended to include a section related to regular resource allocation consistent with the "every three years" timeline referenced for an independent validation.

If passed with the amendment as suggested, this bill stands to ensure that pretrial risk assessment tools, now and in the future, continue to function effectively and as intended.

Sincerely,

Maryland State's Attorney's Association