



House Bill 1605

Compensation for Individuals Erroneously Convicted - County Cost-Sharing - Repeal

MACo Position: **SUPPORT**

To: Judiciary Committee

Date: March 20, 2026

From: Kevin Kinnally & Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1605. This bill corrects a flawed policy enacted as a small component of the 2025 Budget Reconciliation and Financing Act that requires counties to fund wrongful-incarceration compensation decisions made entirely through State processes.

Under current law, the State determines eligibility, calculates awards, and sets all terms through administrative and judicial processes. County governments have no role in prosecutions, appeals, or compensation decisions, nor do the county governments have management or oversight authority over the actors who have these responsibilities. There is no real nexus between the circumstances that lead to these settlement payments and the county governments. Despite that structure, counties must now fund half of each award.

Counties support fair and timely compensation for individuals wrongfully incarcerated, but funding responsibility should align with the entity that controls the process.

This disconnect creates real fiscal exposure. The first payment under this policy required nearly \$300,000 from Wicomico County, a low-wealth Disparity Grant jurisdiction. Additional cases, including a significant pending case in Worcester County, signal that these costs will continue and may grow.

These costs arrive without warning and outside the local budget cycle. Compensation decisions may include both direct payments and ongoing benefits such as housing, health care, and education. Counties cannot predict or manage these obligations.

Counties already face mounting fiscal pressure from State cost shifts, funding constraints, and limited revenue flexibility. Adding unpredictable and externally driven costs reduces the ability to fund core services such as education, public safety, and infrastructure.

HB 1605 restores a clear alignment between decision-making authority and fiscal responsibility. The State controls the process and should retain responsibility for its costs.

For these reasons, MACo respectfully requests a **FAVORABLE** report on HB 1605.