



# RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES  
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2026 Session  
HB0697

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## Correctional Services - Diminution of a Term of Confinement

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### Bill Summary

This bill prohibits an incarcerated individual who is serving a sentence for murder in the first degree in a State or local correctional facility (pre-sentence or post-sentence) from earning diminution credits to reduce the incarcerated individual's term of confinement. The bill is to be applied prospectively.

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### Racial Equity Impact Statement

The bill would add first-degree murder into the existing set of criminal convictions for which the accumulation of diminution credits for purposes of sentence reduction is prohibited. While the bill's provisions are prospective in nature, the Department of Public Safety and Correctional Services (DPSCS) reports that Black individuals currently make up 78% of those incarcerated for first-degree murder, and that the availability of diminution credits is a key rehabilitative component for inmates. The larger equity impacts regarding recidivism, reentry success, and potential adverse effects for juveniles and young adults cannot be estimated without additional data.

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### Analysis

#### *Current Law*

Individuals convicted of first-degree murder in Maryland must be sentenced to life in prison or life in prison without parole. Pursuant to Chapter 30 of the 2021 special session, an inmate sentenced to life imprisonment for a crime committed on or after October 1, 2021, is not eligible for parole until the inmate has served 20 years, or the equivalent of 20 years with allowances for diminution credits (prior to Chapter 30, a 15-year time period applied to this eligibility). Inmates convicted of

first-degree murder must serve 25 years minus diminution credits when life without parole was sought but not imposed by the court. Under the bill, individuals sentenced to life imprisonment for first-degree murder would serve a full 20 years (or 25 years when applicable) without the ability to earn diminution credits to shorten that time.

### *Diminution Credits Generally*

Generally, a convicted individual sentenced to a term of incarceration in the Division of Correction is, with specific exceptions, able to earn diminution credits to reduce the term of incarceration. Inmates in both State correctional facilities and local detention centers are eligible for diminution credits. Additionally, convicted individuals may earn diminution credits for any period of pre-sentence or post-sentence confinement in a local correctional facility.

Good conduct credit (sometimes referred to as “good time” credit) is advanced to an inmate at intake, subject to the inmate’s future good behavior. These credits are calculated from the first day of commitment to the custody of the Commissioner of Correction through the maximum expiration date of the inmate’s term of confinement. Maryland courts recognize good conduct credits as a behavioral incentive and a means of reducing prison overcrowding. The awarding of diminution credits is automatic, not discretionary.

For sentences imposed on or after October 1, 2017, Chapter 515 of 2016 altered provisions relating to sentencing, corrections, parole, and the supervision of offenders. With regard to diminution credits, Chapter 515 increased the maximum total deduction from 20 to 30 days per calendar month for all State correctional facility inmates except for inmates serving a sentence for a crime of violence, specified sexual offenders, or being a volume drug dealer or drug kingpin. Chapter 515 also increased the maximum deduction for special selected work projects or other special programs from 10 to 20 days per calendar month and expanded the types of programs for which an inmate may earn diminution credits. Individuals sentenced for a crime of violence earn diminution credits at a lower rate than other inmates.

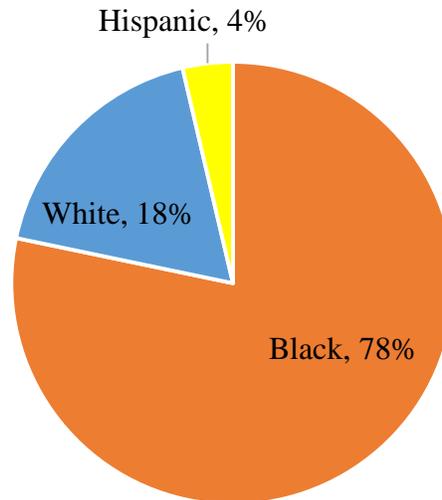
Chapter 712 of 2024 prohibits an incarcerated individual who is serving a sentence in a State or local correctional facility for first-degree rape that occurred on or after October 1, 2024, from earning diminution credits to reduce the incarcerated individual’s term of confinement.

### *Impacts of the Bill*

DPSCS reports that as of January 2026, Black individuals comprise 71% of the total incarcerated population compared to their 30% share of the State’s population. More specifically, **Exhibit 1** shows the racial and ethnic demographic breakdown of inmates whose most serious offense was first-degree murder. Out of a total of 2,574 inmates serving time for first-degree murder as of January 2025, 78% were Black, 18% were white, and 4% were Hispanic.

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**Exhibit 1**  
**Individuals Incarcerated for First-degree Murder**  
**by Race and Ethnicity**  
**January 2025**



Source: Department of Public Safety and Correctional Services

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The bill would substantially increase sentence lengths for those incarcerated for first-degree murder. For example, a person convicted of first-degree murder and sentenced to life imprisonment under existing law must serve 20 years before being eligible for parole or just under 17 years if the person earns 100% of good conduct credits (5 days per month). Parole eligibility can also be further accelerated with additional credits (*i.e.*, education and special project credits) of up to 20 days per month. According to DPSCS data, the average number of diminution credits earned in years for this subset of the incarcerated population is almost 8 years for both Black and white inmates and just under 7 years for Hispanic inmates.

DPSCS advises that it uses an inmate's ability to earn diminution credits as an incentive to encourage good behavior and participate in rehabilitative and/or work programs. By eliminating the applicability of diminution credits for inmates serving a life sentence for first-degree murder, DPSCS advises that it loses a key tool for modifying inmate behavior. In addition, DPSCS indicates that the elimination of diminution credits could decrease the number of inmates who are working or participating in prison programming and also could potentially increase institutional violence.

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## Conclusion

According to DPSCS, prohibiting the use of diminution credits to reduce terms of incarceration would eliminate a key rehabilitative component for inmates. The bill's impact can be measured in

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years for incarcerated individuals and could potentially work to discourage positive behaviors among inmates.

The largely Black incarcerated population in Maryland will be impacted by the bill to the greatest extent going forward assuming demographic trends continue beyond the bill's effective date. Determining the larger equity impacts requires additional information, such as whether increased incarceration time would affect recidivism and reentry success among affected individuals. In addition, there may be significant impacts regarding juveniles or young adults incarcerated for first-degree murder. However, there is no reliable data currently available to assess these potential impacts.

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**Information Sources:** Department of Public Safety and Correctional Services; Department of Legislative Services

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# Appendix – Maryland Demographics

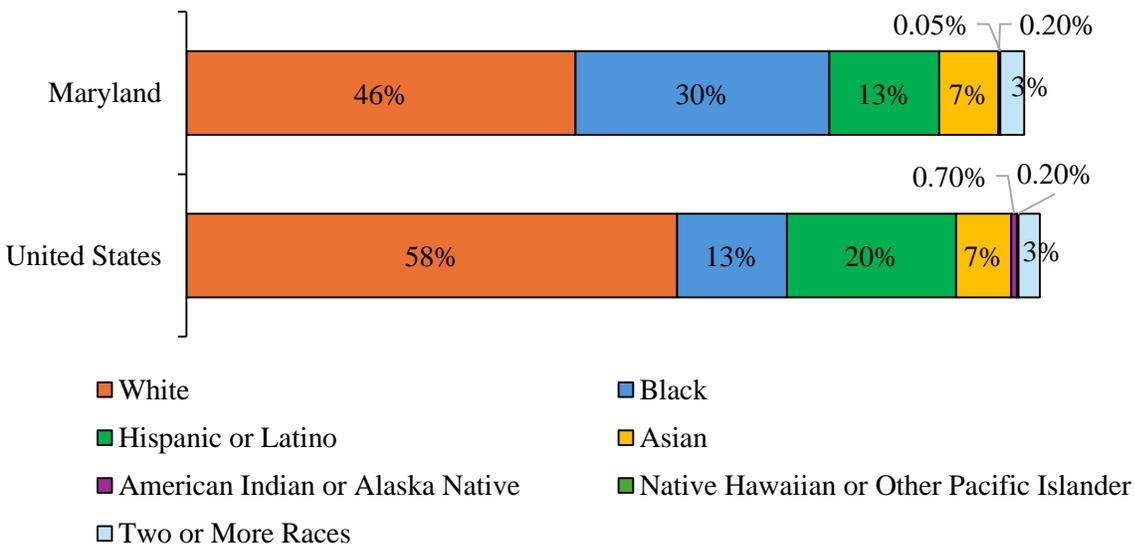
## *Race and Ethnicity of the Maryland Population*

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. Maryland remains one of the most racially and ethnically diverse states in the nation and is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). While no single racial or ethnic group constitutes a majority, racial minorities as a group constitute a majority of the State’s population. This diversity underpins the analytical framework used in racial equity impact notes (REIN), which seek to identify potential disparities that may be exacerbated or created by proposed criminal justice legislation.

## *Methodology Update*

Beginning in 2025, REIN will use annual population estimates from the U.S. Census Bureau’s Population Estimates Program (PEP) as the basis for disparity and disproportionality calculations. This methodological update reflects best practices in demographic analysis, as PEP data incorporate births, deaths, and migration to provide the most current population counts between censuses. Although the estimates are more temporally responsive, they do not materially change the proportionate racial and ethnic breakdown observed in the 2020 census. Instead, they conservatively reflect population changes since 2020 while preserving the overall demographic composition of the State.

**U.S. and Maryland Population by Race and Ethnicity  
2024 Population Estimates**



Note: Percentages do not total 100% due to rounding.

Source: U.S. Census Bureau, Annual Estimates of the Resident Population by Sex, Race, and Hispanic Origin for the United States: April 1, 2020 to July 1, 2024 (NC-EST2024-SR11H) and (SC-EST2024-SR11H-24)