

Support SB 516 - Diminution Credits

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Will Smith and Senate Judicial Proceedings Committee

FROM: Phil Caroom, MAJR Executive Committee

DATE: February 19, 2020

Md. Alliance for Justice Reform ([MAJR-www.ma4jr.org](http://www.ma4jr.org)) opposes SB 516.

While apparently intended to promote public safety by lengthening incarceration for those convicted of homicide charges, MAJR is concerned that the opposite could result.

Maryland's statutory and regulatory system for diminution credits already is designed to reward those who comply with prison rules and who actively participate in activities designed to rehabilitate them. The same system already has a mechanism to cancel diminution credits for serious infractions that indicate an inmate is not rehabilitated.

Moreover, the blanket exclusion of diminution credits for everyone convicted of 1st or 2nd degree murder would include the substantial percentage of inmates who were convicted under Maryland's legal fiction of "felony-murder"—that is, they themselves did not perpetrate any homicide, may not have possessed a weapon, and may not have intended any homicide. See <https://www.ma4jr.org/felony-murder-rule/>. This felony-murder fiction disproportionately effects those charged as juveniles and women, according to studies. Id.

PLEASE NOTE: Phil Caroom offers this testimony for Md. Alliance for Justice Reform and not for the Md. Judiciary.