



**Testimony for the House Judiciary Committee
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YANET AMANUEL
PUBLIC POLICY ADVOCATE

HB 89 Correctional Services - Diminution Credits – Education

FAVORABLE

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
or 240-274-5295
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
JOHN HENDERSON
PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland supports HB 89, which awards an additional 90 diminution credits to inmates who successfully obtain a certain vocational training or educational certificate, diploma, or degree. HB 89 dovetails with the progress this body made in 2016 in the passage of the Justice Reinvestment Act. Moreover, expanding opportunities to earn good time credits reduces prison costs, boosts public safety in facilities, and may actually decrease recidivism.

HB 89 dovetails with the progress made through the 2016 Justice Reinvestment Act

In 2016, this body passed and Governor Hogan signed into law the Justice Reinvestment Act, which increased the opportunities for earning diminution credits in Maryland. HB 89 follows in the spirit of the JRA by expanding opportunities for earning diminution credits through educational programming.

Expanding diminution credits may reduce prison costs

By expanding the opportunities to earn good time credits, the bill allows persons convicted and imprisoned to earn early release by investing in their own education. Maryland spends an estimated \$38,383 per prisoner annually.¹ Other states have recognized and capitalized on the cost savings of earned credit programs—the New York Department of Corrections saved \$369 million from 1997–2006 due to sentence reductions. Washington State also reported saving an average of \$7,179 per inmate due to earned credit programs.² Therefore, HB 89 has the potential to save precious taxpayer dollars by allowing persons to earn early release.

Diminution credits have the potential to reduce recidivism.

A recent study by the National Conference of State Legislators found that states with earned credit programs actually report lower recidivism rates than

¹ Vera Institute of Justice, *The Price of Prisons, what incarceration costs taxpayers: Maryland* (Jan. 2012).

² National Conference of State Legislators, *Cutting Corrections Costs: Earned Time Policies for State Prisoners* (July 2009).

states that do not have similar programs.³ For example, Wisconsin found that 17% of inmates released early recidivated after the first year, as compared with 28% of those who recidivated after serving the full mandatory sentence.⁴

Diminution credits help to maintain safety in our facilities

The possibility of earning enough credits to be released early incentivizes prisoners to comply with facility rules. As the chair of the Parole Commissioner recognized, “[Parole] is a reward for good behavior and lowers the threat of violence on our prison staff. If you were a lifer and knew you could never get out, you could do what you wanted to. Parole is the primary reason inmates adjust to prison.” Courts have recognized this incentive as well—good conduct credits are a behavioral incentive and a means of reducing prison overcrowding. *Stouffer v. Staton*, 152 Md.App. 586, 592 (2003).

For the foregoing reasons, we urge a favorable report on HB 89.

³ *Id.*

⁴ *Id.*

