

MCPA-MSA_SB 44- Safe Communities Act of 2024-Suppo

Uploaded by: Andrea Mansfield

Position: FAV



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William Smith Jr., Chair and
Members of the Senate Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 13, 2024

RE: **SB 44 – Safe Communities Act of 2024**

POSITION: SUPPORT

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) SUPPORT SB 44, the Safe Communities Act of 2024. This bill modifies the eligibility for an incarcerated individual who is serving a sentence for a crime of violence, to a deduction that is no greater than ten percent of the incarcerated individual's aggregate sentence.

Under current law, an individual who is convicted and sentenced to a period of incarceration, is eligible for diminution credits immediately upon entering a Detention Facility and can earn deductions significantly reducing the initial criminal sentence, even for most crimes of violence. The MCPA & MSA understand the importance for incarcerated individuals to be able to earn credits for good behavior, through education courses, and other programmatic matters for inmates serving crimes not involving violence, however certain crimes of violence, as numerated in Criminal Law Article 14-101, should be of no greater deduction than ten percent of the incarcerated individual's aggregate sentence.

The MCPA & MSA have appointed representatives that continue to participate in the JRA Oversight Board to monitor and implement policy, but due to the existing diminution formulas, it unfortunately allows for significant reductions in sentences for a significant number of violent crimes.

For these reasons, MCPA and MSA SUPPORT SB 44 and urge a FAVORABLE committee report.

SB44 testimony 2-13.pdf

Uploaded by: Gale Seaton

Position: FAV

Testimony for SB-44 Safe Communities Act of 2024

Please support SB044, as convicted murderers should not receive reduced time by “earning” diminution credits. The person who paid for our 17-years old daughter, Stacey Lynne Seaton’s murder, in 2005, was charged with First Degree Murder, Second Degree Murder, and felony use of a handgun. While we expected he would be locked up for a lengthy time, he was eligible for parole after serving only 7 ½ years and was released after serving 10 years. He was convicted of second-degree murder, and illegal use of a handgun, 30-years, and 20-year terms respectively. We were devastated when he had a parole hearing after serving only 7 1/2 years. Luckily, he was denied parole, but had to be released after serving just 10 years. Once upon a time, Solicitation for Murder meant the death penalty, yet Abraham was released after serving only 10 years.

McDonald Abraham III refused to accept responsibility for Stacey’s murder saying he *only paid for her death*. However, when the actual shooter tried to back out of killing Stacey, Abraham testified that he threatened to kill him too, since the shooter had already been paid for Stacey’s murder. Abraham testified that he withheld giving the shooter any drugs, “until after it was done”, as he knew the shooter was desperate for drugs. Abraham testified that he was ordering fast food, when he called the shooter, and told him to “pop her.” (Yes, really)

Abraham’s first parole hearing was held after serving only 7 ½ years. How was Abraham allowed to acquire as many diminution credits as he “earned”, and be eligible for release after serving 7 ½ years? Instead of working one full-time job, in the infirmary, or kitchen, he worked half-days in each the infirmary and kitchen, but earned diminution credits as though he worked two (fulltime) jobs. He took repeated counseling sessions, receiving the same credits each time.

Abraham is a true psychopath. He has no remorse, and rules don’t apply to him. Since Abraham’s release in 2019, he was ticketed for going 70 mph in the middle of Ocean City, MD, in a 35-mph zone. That’s beyond reckless! Recently, he had a Parole Revocation hearing, but his parole was not revoked. We were not allowed to attend the parole hearing, so we don’t know what he did to cause the hearing to be held. We received notice that his parole was not revoked. But obviously, he didn’t learn that he needs to obey societal rules. He was also recently ticketed, for driving 70-mph, in a 35-mph zone, in the middle of Ocean City, MD. Who does that?! He has no fear he will be re-incarcerated.

Please remove the ability for convicted murderers to receive diminution credits, and allow their sentences to be meaningful, and to send a message. While I’m sure some murderers have gone on to be productive citizens, upon release, that isn’t the case with Abraham, and that isn’t the point. The point is both the heinousness and callousness of murders, demands it. Abraham was recorded on the DOC phone bragging about the “really sweet deal” he got. ***No murderer should be able to brag about their sentence.*** Surviving families don’t receive dim credits, convicted murderers shouldn’t get them, either.

Sincerely,

Gale and Mike Seaton, Stacey’s Mom and Dad

301.385.2963 (gpseaton@aol.com)

2024-SB044-T4BL-FAV (1).pdf

Uploaded by: Nicholas Marks

Position: FAV



SB 0044: Safe Communities Act of 2024
Senate Judicial Proceedings Committee
Terps For Bike Lanes – FAVORABLE

February 12th, 2024

Chair Smith and Committee Members,

I am writing this testimony on behalf of Terps For Bike Lanes in support of SB0044. Terps for Bike Lanes is an organization dedicated to enhancing bicycle infrastructure in and around UMD, with a focus on creating a safe and inclusive environment. Terps For Bike Lanes is dedicated to promoting sustainable and alternative transportation methods, including biking. As an organization deeply committed to social justice and equity, we believe that this legislation is a crucial step towards ensuring accountability and upholding the rights of victims and their families.

Our advocacy efforts extend beyond bicycle infrastructure; we are dedicated to promoting social justice and creating a more equitable society for all individuals. By supporting measures that address systemic inequalities within our criminal justice system, we strive to contribute to a safer and more just community for everyone.

Terps for Bike Lanes firmly believes that individuals convicted of serious crimes, such as murder and violent offenses, must be held accountable for their actions and serve appropriate sentences that reflect the severity of their offenses. SB44, by prohibiting the earning of diminution credits for such individuals, sends a clear message that acts of violence will not be tolerated in our society and that perpetrators must face the full consequences of their actions.

As an organization that values social justice and equity, we stand in full support of SB44 and its provisions to uphold the rights of victims, promote accountability, and ensure public safety. We urge you to consider the importance of this legislation and its impact on our community as you deliberate on this matter. We urge a Favorable committee report on this legislation and encourage the Senate to pass it on the floor. Thank you for the opportunity to testify.

Sincerely,

Nicholas Marks

President, Terps For Bike Lanes

terps4bikelanes@gmail.com

Letter of Support SB44.pdf

Uploaded by: William Milam

Position: FAV



OFFICE OF THE SHERIFF

Prince George's County, Maryland
Administrative and Executive Office

John D.B. Carr
Sheriff

Senator William "Bill" Folden
414 James Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

Dear Senator Folden,

I am writing this letter to express my support for Senate Bill 44, the Safe Communities Act of 2024, which would prohibit the earning of diminution credits to reduce the term of confinement of an incarcerated individual who is serving a sentence for first or second-degree murder in a state or local correctional facility.

As you know, in August of 2002, the Office of the Sheriff for Prince George's County lost two deputy sheriffs in the line of duty when they were shot and killed by an individual they were attempting to serve with a court ordered psychiatric order. Ultimately, their killer was sentenced to 30 years in prison for the murders, but was recently released after having only served some 22 years of that sentence.

If this bill were to become law, it would not bring back Sergeant James V. Arnaud or Deputy First Class Elizabeth L. Magruder, but it would give survivors of similar crimes the peace of mind of knowing that the perpetrators of those crimes will serve their full sentences before being released.

Our agency will never forget our fallen heroes or how they died, and I applaud this effort to prohibit the earning of diminution credits for those incarcerated for first or second-degree murder.

Please let me know if I may be of assistance to you as this bill works its way through the legislative process.

Sincerely,

John D.B. Carr
Sheriff for Prince George's County

SB0044 Opposition Complete.pdf

Uploaded by: Anne Kirsch

Position: UNF



PREPARE
PREpare for PARole and REentry

Anne Bocchini Kirsch
Director of Advocacy, PREPARE
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(410) 994-6136

SBO044 - Safe Communities Act of 2024 - OPPOSITION

SBO044 does nothing to live up to its name. It offers no community resources, education, constructive activity, workforce development, housing services, health services, or anything else that is shown to keep communities safe. What it does is put Maryland in a position to see prison populations skyrocket as marginalized communities continue to be targeted for even longer sentences with fewer opportunities for rehabilitation. Maryland already has the highest percentage of Black incarcerated individuals at 71% as a result of “life means life” and “tough on crime” policies that did nothing to actually reduce crime or keep anyone safe.

This legislation would dramatically increase that number because 83% of the sentenced incarcerated population (which currently stands around 15,000) is serving time for a person crime, encompassing most crimes of violence, and 73% of the population is serving at least 10 years.¹ For a 10 year sentence, this bill would increase the time served by almost 3 years per person. At a monthly rate of \$4,968 per person, the cost to Maryland is a hefty one even when the collateral consequences are not considered.² Given the current costs and prison populations, if 73% of incarcerated individuals served an additional 3 years, it would cost the state almost \$2 billion.

The diminution credit system is a long-standing and complex system, and any changes to it would have far-reaching consequences. In the attached pages, I’ve summarized the different types of credits with explanations of their uses and value. I’ve also put forth a story that shows how this system already contributes to the over-incarceration of marginalized communities and how SBO044 would amplify that inequity far beyond where it stands today.

¹ DPSCS Dashboard, Sentenced Population Offense Trends,
https://dpscs.maryland.gov/community_releases/DOC-Annual-Data-Dashboard.shtml

² Maryland Manual, Maryland at a Glance, Criminal Justice,
<https://msa.maryland.gov/msa/mdmanual/01glance/html/criminal.html>

PREPARE
PO Box 9738 Towson, MD 21284

SBO044 is a costly bill with outcomes that exacerbate the existing inequities that currently exist in Maryland - inequities that our leadership has pledged to work toward reducing. This bill is moving Maryland even further from its goals and I urge you vote against SBO044 and instead use the resources it would consume to invest in Maryland's communities in ways that actually promote health and safety.

What Are Diminution Credits?

Diminution credits are adjustments made to a prison sentence for behavior and compliance. Each credit equals one day to be served on community supervision rather than in physical incarceration. Almost every state has a diminution credit system, including conservative states like Texas, Louisiana and Mississippi. In Maryland, our diminution credit system is managed by DPSCS through Case Management and Commitment. There are four different kinds of diminution credits, each with a different purpose.

Types of Diminution Credits

Good Conduct Credits (GCCs)

GCCs are issued at the beginning of a sentence based on a standard rate of 5 per month for violent convictions and 10 per month for non-violent. DPSCS can revoke GCCs in part or in full as a sanction for infractions, thereby increasing the amount of time the Incarcerated Individual (II) will serve. This is utilized to deter bad behavior, help DPSCS maintain order in the institution and keep correctional staff, contractors and volunteers safe.



Education Credits (ECs)

ECs are awarded at a rate of 5 per month for participation in qualified educational programs. These include GED programming, vocational training, and transitional classes. ECs exist to motivate IIs who may not have experienced the benefits of education in the past to go to school.

Industrial Credits (ICs)

ICs are awarded at a rate of 5 per month for participation in work activities. ICs motivate IIs to participate in institutional work assignments. These assignments generally pay \$1-4/day although they often serve critical functions such as dietary, sanitation, maintenance, and clerical work. ICs and SPCs (below) are the primary wage for institutional jobs.



Special Project Credits (SPCs)



SPCs are flexible credits that can be used by the legislature or DPSCS. Some examples of current SPC uses are “preferred” jobs that are more time consuming and teach vocational skills are issued 5 SPCs per month by DPSCS, and the legislature offered 10 additional SPCs to non-violent offenders that participate in education or training through DLR or MCE through the Justice Reinvestment Act.



PREPARE
PREpare for PARole and REentry

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Stealing a Credit Card: How HB0310 Targets Marginalized Communities by Increasing Sentences and Stripping Rehabilitative Opportunity

Michael from Calvert County was raised in a high income household and attended a quality school. He learned to use technology from a young age and has access to the newest devices. When he wanted extra money to support his lifestyle, he bought active, stolen credit card numbers and used them for numerous online purchases. Michael was convicted of the non-violent crime of Theft.

Marcus from Baltimore City was raised in Gilmore Homes. His family is on public assistance and he attended schools with single-digit proficiency rates. He has limited access to technology and poor literacy skills. Broke and unable to even fill out a job application, he snatched a purse and used a stolen credit card at local stores. Marcus was convicted of the violent crime of Robbery.

Both men were arrested at 18 without completing high school and sentenced to 10 years. Both have perfect institutional histories, obtained their GED, then were accepted into a prison education partnership. Both participated in cognitive programming. However, Michael will become parole eligible in 2.5 years, while Marcus must wait 5 years.

Under the current law, with perfect behavior and identical stellar institutional progress, Michael will be released on mandatory after 4 years and 9 months for stealing several credit cards with a high-tech method while Marcus will have to serve 6 years and 5 months for stealing a single credit card directly. If either man gets in trouble or fails to go to work or school, he will serve additional time, so both men are motivated to succeed. Both are released ready to successfully transition.

In the world of HB0310, the disparity becomes more striking. Michael's situation remains unchanged, but Marcus will now serve 9 years regardless of his work or school attendance and can lose up to 235 diminution credits through infractions before he will serve any additional time. Unmotivated by a dollar or two a day, and unsupported by staff who know he cannot benefit, Marcus is likely to forego work and school in favor of less productive but more lucrative activities. He is released unprepared to transition and more likely to recidivate.

SB44 FAIR UNFAV.pdf

Uploaded by: Brenda Jones

Position: UNF

Unfavorable Response to SB44 **Safe Communities Act of 2024**

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. We are very concerned about the impact of this bill on community safety.

This bill's stated objective is to remove diminution credits from a wider range of sexual offenses. ***The big flaw with this line of thinking is that somehow this is going to make our communities safer.***

If reducing diminution credits would make our communities safer, we would support it. However, this approach is short-sighted – it simply delays an inevitable release with less encouragement to obtain important tools for successful integration back into society.

One stated purpose of the diminution credit process is to encourage positive behaviors, educational advancement, and meaningful participation in treatment and training programs for effective reentry back into the community. This bill removes an important incentive to the individuals to participate in these activities by capping the potential penal benefit to them from their participation.

If a person is dealing with a mental health issue or other circumstances (e.g., lack of formal education or training needed for future employment) that may potentially lend themselves to committing a new offense in the absence of intervention, our communities would be much safer if these persons remain encouraged to participate meaningfully in effective treatment and/or training while serving time, and perhaps obtain specialized supervision restriction or continued treatment once released.

Preventing this cohort of incarcerated individuals from any incentives provided by our department of correction does absolutely nothing to prevent potential reoffense once a person is released. We urge the committee to return an unfavorable vote for SB44.

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries

2024.02.12 SB 44 OPP CCJR FINAL.pdf

Uploaded by: E. Flannery Gallagher

Position: UNF



TESTIMONY IN OPPOSITION TO SENATE BILL 44

TO: Members of the Senate Judicial Proceedings Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: February 12, 2024

The University of Baltimore School of Law’s Center for Criminal Justice Reform is dedicated to supporting community driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system.

Senate Bill 44 would eliminate all diminution credit for people serving sentences for first and second degree murder convictions and would prevent the significant majority of Maryland’s incarcerated population from earning diminution credit for more than 10% of an individual’s aggregate sentence. **The Center opposes Senate Bill 44.**

Senate Bill 44 is overbroad and undermines public safety. The bill disincentivizes participation in rehabilitative programming, exacerbates the risk of violence to correctional staff and incarcerated people, and undermines reentry success for those returning to their communities after lengthy periods of incarceration. As the bill’s fiscal note identifies, Senate Bill 44 would drive potentially significant increased costs to Maryland for lengthier prison terms at the same time that states across the country are recognizing the research-backed reasons to reduce unnecessarily long prison terms and promote rehabilitation.

I. Senate Bill 44 is overly broad and does not effectively address those who pose the highest public safety risk.

Senate Bill 44 is not narrowly tailored to address the small minority of Maryland’s incarcerated population who pose the very highest public safety risk.

First, nearly a third of Maryland’s prison population is serving a sentence for first or second degree murder.¹ This population includes people serving sentences for murder convictions under the “felony murder” rule, also known as “guilt by association,” which holds people strictly liable for all deaths during the commission of a qualifying felony. Senate Bill 44 would eliminate all diminution credits for people serving felony murder convictions—people who did not have the intent to kill anyone and who did not kill anyone.

¹ Racial Equity Impact Note, SB 652, Maryland General Assembly 2023 Session, <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2023RS-SB0652-REIN.pdf>, 3.

Second, Senate Bill 44 would cap the earning of diminution credits at 10% of an aggregate sentence for an individual serving time for a “crime of violence.” Under Maryland law, crimes of violence encompass a very broad spectrum of conduct. For example, someone who tried to break into an unoccupied shed to steal gardening equipment has committed “a crime of violence” and would have their diminution credits capped at 10% of their sentence under Senate Bill 44. As a result, Senate Bill 44 would reduce the application of diminution credit for a very large percentage of Maryland’s incarcerated population.

II. Senate Bill 44 disincentivizes rehabilitation by eliminating or reducing the use of what the Department of Public Safety and Correctional Services calls a “key rehabilitative component.”²

Diminution credits incentivize participation in programming and supportive services. Eliminating or mitigating the application of diminution credits will reduce participation in programs and opportunities to develop skills needed for successful rehabilitation and reentry. A broad base of research demonstrates that participation in rehabilitation programs in prison can meaningfully reduce recidivism.³

In fact, Maryland Correctional Enterprises reports a 60% reduction in recidivism for incarcerated people who complete its programs.⁴ Unfortunately, in spite of those encouraging results, Maryland only offers the opportunity to participate in job training programs to 10% of people in state prisons.⁵ Given the public safety benefits of rehabilitative programming in prisons, Maryland should expand the availability of evidence-based programs and encourage—not disincentivize—participation in those programs.

III. Senate Bill 44 exacerbates the risk of violence to staff and incarcerated people in correctional settings, further undermining public safety for everyone who lives in the communities to which incarcerated people return.

It is to the public safety benefit of every Marylander that those returning to our communities from incarceration are set up for success. The vast majority of people who are incarcerated, even those serving sentences for the most serious offenses, will eventually be released. Nationally, approximately 95% of people incarcerated in state facilities will be released from prison at some point.⁶ Maryland prisons release over 7,000 people annually.⁷ Research demonstrates that Senate Bill 44 will exacerbate risks of violence to correctional staff,

² Racial Equity Impact Note, SB 44, Maryland General Assembly 2024 Session, <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2024RS-SB0044-REIN.pdf>, 1.

³ See Duwe, G. (2017, June). *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes*. United States Department of Justice, Office of Justice Programs. <https://www.ojp.gov/pdffiles1/nij/250476.pdf>; Davis, L. M. (2013). *Evaluating the Effectiveness of Correctional Education*. RAND Corporation. https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/RAND_Correctional-Education-Meta-Analysis.pdf.

⁴ *Prisoners employment and rehabilitation resources*. Maryland Alliance for Justice Reform. (2023, December 19). <https://www.ma4jr.org/prisoners-employment-and-rehabilitation-act/>.

⁵ Id.

⁶ *Why punishing people in jail and prison isn’t working*. Vera Institute of Justice. (2023, October 24). <https://www.vera.org/news/why-punishing-people-in-jail-and-prison-isnt-working>.

⁷ *Maryland profile*. Prison Policy Initiative. <https://www.prisonpolicy.org/profiles/MD.html>.

incarcerated people, and communities writ large because policies that make prisons less safe make our communities less safe. The chair of the Maryland Parole Commission has also acknowledged that incentivizing good conduct “lowers the threat of violence on our prison staff.”⁸ The trauma and criminogenic effects of incarceration may be amplified by higher levels of misconduct, abuse, and violence in correctional settings.

Reducing violence, facilitating programmatic participation and engagement, and otherwise supporting hope and human dignity behind the walls serve to improve safety both inside institutions and in the communities to which formerly incarcerated people return. For these reasons, we urge an unfavorable report on Senate Bill 44.

⁸ *Still Blocking the Exit*. ACLU of Maryland. (2015, January 20). <https://www.aclu-md.org/en/publications/still-blocking-exit>.

sb44.pdf

Uploaded by: Linda Miller

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 44
Safe Communities Act of 2024
DATE: January 10, 2024
(2/13)
POSITION: Oppose, as drafted

The Maryland Judiciary opposes Senate Bill 44, as drafted. The bill amends CS § 3-702 by making an incarcerated individual not entitled to a diminution of their term of confinement if the individual is serving a sentence for either first-degree murder in violation of § 2-201 of the Criminal Law Article (“CL”), or second-degree murder in violation of CL § 2-204.

The Judiciary has no position on the policy aims of this legislation but is concerned with the language on page 9, lines 18 through 27, which limits the discretion of a judicial officer. This provision does not just restrict commissioners from releasing a defendant charged with a crime of violence but also restricts “a judicial officer” (which includes a Judge), from doing the same. Currently, Maryland law gives judges’ discretion to authorize pretrial release for defendants in cases that would be subject to the bill. The bill would remove that discretion. The Judiciary traditionally opposes legislation that includes mandatory provisions. The Judiciary believes it is important for judges and judicial officers to weigh the facts and circumstances for each individual case.

Moreover, by creating a blanket rule prohibiting pretrial release for certain defendants, this bill conflicts with Maryland Rule 4-216.1(b) which requires that decisions whether to grant pretrial release be based on the “specific facts and circumstances applicable to the particular defendant[.]”

cc. Hon. William Folden
Judicial Council
Legislative Committee
Kelley O’Connor

02132024 SB44 Oppose.pdf

Uploaded by: Rhea Harris

Position: UNF

CANDACE McLAREN LANHAM
Chief Deputy Attorney General



CHRISTIAN E. BARRERA
Chief Operating Officer

CAROLYN A. QUATTROCKI
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

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STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

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February 13, 2024

TO: The Honorable Will Smith
Chair, Senate Judicial Proceedings Committee

FROM: Rhea Harris
Deputy Chief, Legislative Affairs, Office of the Attorney General

RE: SB 44-Safe Communities Act of 2024- **OPPOSE**

The Office of the Attorney General (OAG) requests an UNFAVORBLE report on **Senate Bill 44**.

Senate Bill 44 prohibits the earning of diminution credits to reduce the term of confinement of an incarcerated individual who is serving a sentence for murder in the first degree or murder in the second degree in a State or local correctional facilities. It also prohibits a deduction of diminution credits of more than 10% of an incarcerated individual's aggregate sentence for crimes of violence for an incarcerated individual who is serving a sentence for a crime of violence. **Senate Bill 44** would add those convicted of murder like sexual offenses against minors, being ineligible to earn diminution credits.

Under current law, found in §3-702 of the Correctional Services Article, most inmates are “entitled to a diminution” of their sentence for certain good behavior while incarcerated. The decrease in the sentence results in the person serving significantly less than the sentence they were ordered to serve. This is in addition to parole, a separate procedure that allows for the early release of prisoners.

Presently, the entitlement to diminution credits, or “DIM credits” as they’re often called, applies to all inmates, except for those convicted of people convicted of sexual offenses against minors under certain circumstances. For those entitled to DIM credits, under §3-707, those convicted of crimes of violence, sexual offenses, and volume dealer CDS charges, earn 10 days of DIM credits per month of incarceration if they “manifest satisfactory progress in special selected work projects or other special programs, including recidivism reduction programming.” Those convicted of other offenses earn 20 days of DIM credits per month of incarceration if they do the same.

Senate Bill 44 amends §3-708 to say that someone serving a sentence for a crime of violence (as that term is defined in the Criminal Law Article) may have DIM credits reduce his sentence by no more than 10%. The bill also makes similar changes to the time spent by an inmate at a local, county detention center.

In addition, **Senate Bill 44** addresses bail reviews by a District Court commissioner. Most people arrested, even for serious offenses, first see a District Court Commissioner (who is neither a judge nor a lawyer) to have their initial bail determination. In the determination if an arrestee can be released on bail, the District Court commissioner will consider the charges and the wrap sheet of the arrestee. **Senate Bill 44** would add to the list of non-releasable circumstances, by saying that the District Court commissioner cannot release someone who is charged with a crime of violence, if either 1) the person has an already-pending charge for a crime of violence, or 2) the person has a previous conviction for a crime of violence in the last 10 years.

The OAG’s Criminal Division regularly prosecutes cases of murder, robbery, carjacking, and other crimes of violence. These crimes have tremendous effects on the victims, their families, and the greater community. After all of the work necessary to charge the case, secure a conviction, and obtain a fair sentence, it is disappointing when someone is able to shave so much off of their sentence, which ultimately undermines the original (often bargained-for) sentence. Especially in the case of those convicted of crimes of violence, public safety is advanced by the offender serving most of the Judge’s sentence.

The correctional officers frequently say that DIM credits are necessary to maintain order in the facility and encourage inmates to participate in programs. While OAG agrees that there should be incentives for inmates to participate in valuable programs, we disagree that the incentives should be so drastic as to shorten a sentence at the rate of 10 or 20 days a month for violent offenders (effectively a 33%-50% reduction). Furthermore, there should be a distinction regarding credits for actual participation in worthwhile rehabilitative programs and simply rewarding someone for not committing additional offenses while incarcerated.

For the forgoing reasons, the Office of the Attorney General **OPPOSES Senate Bill 44** and requests the Judiciary Committee give it an **UNFAVORABLE** report.

cc: Senator William Folden
Committee members