

MARYLAND ALLIANCE FOR JUSTICE REFORM
Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Will Smith and House Judicial Proceedings Committee
FROM: Phil Caroom, MAJR Executive Committee
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SB 1098 responds to reports of the tragic murder of Pava LaPere (and horrific assaults against two other victims) by a recently-released sex offender. The bill would cancel future good conduct incentives known as diminution or good conduct incentives from any person in the future who is convicted of a serious sex offense.

This is the wrong solution to an admittedly serious failure by Maryland's correctional system. If SB 1098 had operated when Ms. LaPere's killer was incarcerated, he would have been released many months later, but he still would have been released and he still would have been a threat to potential victims, only a few months later. Of course, sex offenders will not all recidivate; but which one will?

The real problem, which SB 1098 does not consider, is this: Maryland's prisons don't have an effective risk assessment tool to identify which sex offenders will pose future dangers. And we also don't have effective treatment programs within the prison system for most sex offenders. While 667 sex offenders were incarcerated according to the most recent DPSCS statistics, only 33--less than 5%--receive treatment at the Patuxent Institution. Cf., FY22 DPSCS inmate characteristics report and FY23 Patuxent Inst. annual report. Addressing those gaps could protect future victims and reform sex offenders; SB 1098 won't help them.

In general, credits help a cooperative prisoner earn an earlier release date. Removing these credits would make the time served on Maryland prison sentences increase by a small percentage and would increase Maryland prison populations. It is also significant to recognize:

- First, the existing DIM credit system *already* treats violent offenders more harshly than others. It drastically reduces the credits toward sentence reduction that violent offenders and drug dealers can earn in the first place. The current system also allows corrections authorities to cancel part or all of a Maryland prisoner's "good conduct" or other special DIM credits for even a single incident of bad behavior.
- Second, as David Blumberg, long-serving chair of Maryland's Parole Commission, has recognized, rewarding good behavior "lowers the threat of violence on our prison staff."

Only a few years ago, Maryland's own examination of criminological principles found that "adding months and years onto prison stays has little or no impact on recidivism." (See the 2015 final report of the Maryland Justice Reinvestment Coordinating Council [JRCC], available online.) More importantly, the JRCC found that "[r]esearch demonstrates that providing incentives like earned time or diminution credits in prison can reduce recidivism and save taxpayer dollars."

Please note: This testimony is submitted for Maryland Alliance for Justice Reform (MAJR), not for the Maryland Judiciary or any other unit of state government.