

CANDACE McLAREN LANHAM
Chief Deputy Attorney General

CAROLYN A. QUATTROCKI
Deputy Attorney General

LEONARD HOWIE
Deputy Attorney General



ANTHONY G. BROWN
Attorney General

CHRISTIAN E. BARRERA
Chief Operating Officer

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

PETER V. BERNIS
General Counsel

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
(410) 576-7036

WRITER'S DIRECT DIAL NO
(410) 576-6590

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