

SB 1098 - WLCMD - FAV.pdf

Uploaded by: Catherine OMalley

Position: FAV

BILL NO: Senate Bill 1098
TITLE: Correctional Services-Diminution Credits - Sexual Offenses
COMMITTEE: Judicial Proceedings
HEARING DATE: February 27, 2024
POSITION: **SUPPORT**

Senate Bill 1098 will prohibit a person convicted of a first-degree rape and a first-degree sex offense from being entitled to diminution of the incarcerated individual's term of confinement. An incarcerated person convicted of these crimes will still be eligible for release by the Parole Commission. This bill will end the mandatory release of people convicted of these violent sex offense.

The bill is named for Pava Marie LePere, age 26, who was brutally murdered on September 22, 2023. Ms.Lepere was a tech entrepreneur who was named to Forbes' 30 under 30 list for social impact in 2023. Jason Billingsley, the suspect in her murder, had been released from prison in October of 2022. He was convicted of first-degree sex offense and received a sentence of 30 years with all but 14 years suspended. He was denied parole twice but released in October of 2022 after earning good time credits that effectively shortened his sentence.

The Women's Law Center supports Senate Bill 1098. In a report from the Bureau of Justice Statistics, which tracked released sex offenders from 2005-2014, the data revealed that released sex offenders were more than three times likely as other released prisoners to be arrested for rape or sexual assault. This legislation will end the mandatory release of incarcerated people serving sentences for these specific violent sex offenses. These specific offenders will only be released when the parole commission has had an opportunity to hear from all relevant persons involved the specific case.

For these reasons the Women's Law Center of Maryland strongly urges a favorable report on Senate Bill 1098.

The Women's Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.

Testimony for SB10998 Pava LaPere Act.pdf

Uploaded by: Eden Ryan

Position: FAV

February 27, 2024

The Honorable William C. Smith Jr.,
Chairman, Senate Judicial Proceedings Committee
Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

RE: Support of SB1098 – Correctional Services – Diminution Credits – Sexual Offenses

Dear Chairman Smith and Members of the Senate Judicial Proceedings Committee,

I am writing to express my support for SB1098 Correctional Services - Diminution Credits (Pava Marie LaPere Act). This legislation is a commonsense bill that looks to close the loophole allowing dangerous predators to return to society and often times reoffend. I believe this reform is essential to ensuring justice for victims, preventing further harm, and protecting public safety.

Pava Marie LaPere was a guiding light in my life. I met her first as my employer, and she quickly became my best friend and mentor. She brought me to Baltimore to work at her company. A transplant herself, she loved this city with such a passion I didn't realize she wasn't from Baltimore until 6-months into knowing her. She was the kind of person that threw her whole self into anything she did. She gave Baltimore all her brains and all her heart and was constantly trying to show others how great of a city we have. She convinced me quickly that Baltimore was exceptional, and I became a champion for this city just like her.

Tragically, both Baltimore and I had her light taken from us far too soon. More sadly, still, her death was avoidable. Pava was always great at finding flaws in systems. And today, we can correct the flaw highlighted by her death. We have an opportunity to make Baltimore safer for everyone currently here and everyone who is looking to make Baltimore their new home.

I would be remiss if I didn't share that Pava's death did take away a layer of security for me. Pava and I would often see shows at the Hippodrome or a concert at the BSO. Now, when I am planning those activities, I debate with myself if I should walk there or not. I text my friends when I get to my car and lock the doors as soon as I get in. I wonder if these feelings will diminish over time. This bill has given me hope. It provides a concrete data point on where the system can be fixed. We must pass this bill so that all current and future citizens of Baltimore and I can feel safe in this city that Pava fell in love with.

I wholeheartedly support this piece of legislation and ask that you consider doing the same as my elected representative. I thank you for your consideration as members of the Senate Judicial Proceedings Committee, and I wanted to celebrate the hardworking and dedicated sponsors of this legislation, Delegate Elizabeth Embry and Senator Will Smith, whose decision to sponsor such legislation has restored my faith in the legislative process. I also want to thank State Attorney Bates for bringing this bill to the Delegate/Senator for consideration. And I want to

thank the distinguished members of this Committee, such as yourself, for considering the advancement of Senate Bill 1098 in this legislative session to ensure no other family or friends must endure such a loss based on this legal loophole.

Sincerely,

Eden Ryan

Frank LaPere Written Testimony-SB1098.pdf

Uploaded by: Frank LaPere

Position: FAV

Frank A. LaPere
230 E Cambridge Drive
Oro Valley, AZ 85704

(520) 425-0455
franklapere@comcast.net

February 27, 2024

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
11 Bladen Street
Annapolis, MD 21401

RE: SUPPORT of SB1098 – Correctional Services - Diminution Credits - Sexual Offenses (Pava Marie LaPere Act)

Chair Smith, Vice-Chair Waldstreicher, and all members of the Senate Judicial Proceedings Committee, thank you for this opportunity to provide testimony to you in favor of Senate Bill 1098, ***The Pava Marie LaPere Act***. I also want to thank States' Attorneys Ivan Bates and Aisha Braveboy for their unwavering support.

Good afternoon.

I am the saddened but proud Father of Pava Marie LaPere, Jason Dean Billingsley's latest victim.

Baltimore Mayor Brandon Scott stated emphatically on September 26th, that, "There is no way in ***Hell*** that he should have been on the street"! Yet, He had already violated his terms of parole, and was still "on the street".

Governor Moore has stated emphatically on several occasions, "The System Failed Pava!"

And I state, again, emphatically, that no other victims should fall prey to repeat violent sexual convicts such as this defendant. We cannot allow the system that failed Pava to continue.

While she is physically gone from this world, Pava's vision and dreams will live on because she already has an impactful legacy in her adopted city of Baltimore and State of Maryland.

EcoMap Technologies employs 30 people in Baltimore, just one of the companies she started, with lots of help, along with TCO Labs, Inov8MD and The Hatchery, as a student, in her dorm room, at Johns Hopkins.

It's easy to see why Pava was selected as a member of the prestigious Forbes 30-Under-30 class of 2023.

This loss ***is*** tragic ***and*** horrific, and I firmly believe that it could have been avoided.

Let SB1098, **The Pava Marie LaPere Act**, be a model for the entire country, on how to represent and defend the innocent from previously-convicted, repeat violent sexual offenders.

Good, thoughtful, loving people like those in this room today from *both* sides of the political spectrum, can do amazing things when working together for the common good.

This bill does not eliminate *all* diminution credits. Only for those convicted of the most heinous sexual crimes in the First Degree, like Jason Billingsley, after he served only 7 years of a much longer sentence.

So today I am very hopeful because I have seen beauty and loving support from the City of Baltimore, The State of Maryland and the broader tech communities that embraced Pava. They have shown my family and I, as well as the community at large, the love required to help carry all of us through this shattering loss.

Because a mother should not have to nurse her daughter to health after a horrific act of repeat sexual violence.

And because a sibling should never lose his best friend, and most trusted confidant, while they are both in their 20s.

And, a father should kiss his daughter goodnight, and not try to cry himself to sleep, through avoidable grief.

We *know* this because we have *lived* this, and we never want any other family to have to identify their daughter's body, almost un-recognizable, again. The pain and complete emptiness is much too much for a father to withstand.

And it can - and should - be set in stone that *no other father* has to experience what I have, and the ensuing loss and emptiness that follows.

Let us work together as a community, as a Legislature and as a judicial system, to ensure that Pava Marie LaPere is the *Very Last Victim* of a convicted, repeat sexual offender.

Thank you for your time, and your support for this most-important legislation.

I remain the proud, grateful and hopeful father of Pava Marie LaPere, and her only sibling, Nico.

I respectfully ask for a favorable vote on SB1098, and thank you for your time.

Frank A. LaPere

Testimony for SB1098 Pava LaPere Act.pdf

Uploaded by: Ivan Bates

Position: FAV



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

February 27, 2024

The Honorable William C. Smith Jr., Chairman
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: Support of SB1098 – Correctional Services – Diminution Credits – Sexual Offenses

Dear Chairman Smith and Members of the Senate Judicial Proceedings Committee,

I am writing to express my support for SB1098 Correctional Services - Diminution Credits (Pava Marie LaPere Act). As Baltimore City State's Attorney, I believe that this bill is crucial in addressing the serious issue of the early release of first-degree rape and sexual offenders from our state's correctional system. SB1098 aims to prohibit incarcerated individuals for these specific sexual offenses from earning diminution credits towards their terms of confinement. This reform is essential to ensuring justice for victims, preventing further harm, and protecting public safety.

Data from states that have implemented restrictions on diminution credits for first-degree sex offenses highlights the importance of SB1098. In California, where laws were enacted to limit credits for certain sexual offenses, there was a marked decrease in the rate of recidivism among offenders released from incarceration, indicating the effectiveness of such measures in promoting public safety and reducing the likelihood of reoffending. In Maryland, over the past decade we have witnessed eleven individuals charged with first degree rape released on parole while 199 were released during that period due to diminution credits.

By repealing and reenacting specific provisions in Article 3-702 of the Correctional Services section, this bill sends a clear message that the sentences for such heinous crimes will be fully enforced, and convicted individuals will face significant consequences for their actions that undoubtedly inflicted devastating trauma to both victims and their loved ones. They will still be eligible for to come before the men and women of the parole board, as they should, but they will no longer be arbitrarily released due solely to earning these credits without showing any real rehabilitative efforts of not reoffending.



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

I commend Chair Smith for his leadership in introducing this legislation and his commitment to protecting the rights and safety of all individuals, especially victims of sexual violence. I sincerely hope you will consider supporting Senate Bill 1098 and advocating for its passage through the Judicial Proceedings Committee. This bill represents a significant opportunity to make our correctional system more just and equitable for all.

Thank you for your attention to this matter.

Yours in service,

Ivan J. Bates

Ivan J. Bates
State's Attorney for Baltimore City

Dim Credits - Rape 1 - senate testimony - 2024 -

Uploaded by: Lisae C Jordan

Position: FAV



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
Fax: 301-565-3619

For more information contact:
Lisae C. Jordan, Esquire
443-995-5544
www.mcasa.org

Testimony Supporting Senate Bill 1098
Lisae C. Jordan, Executive Director & Counsel
February 27, 2024

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 1098.

Senate Bill 1098 -- Eliminating Diminution Credits for 1st Degree Rape

This bill eliminates diminution credits for rapists convicted of first degree rape and what was formerly known as first degree sexual offense. This will help prevent some of the most violent and dangerous sex offenders from being released into the community.

First degree rape involves rape plus an aggravating factor, specifically when the assailant rapes and there is also proof that the rapist did:

- (i) employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;
- (ii) suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;
- (iii) threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping;
- (iv) commit the crime while aided and abetted by another; or
- (v) commit the crime in connection with a burglary in the first, second, or third degree.

These are some of the most heinous and violent sex crimes. Survivors should be able to rely on the sentence imposed at trial without fear that the violent rapist will be released early because of "good behavior" or other diminution credits.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 1098**

SB1098 Testimony (Councilman Mark Conway _ Favorab

Uploaded by: Meredith Riley

Position: FAV



Councilman Mark Conway
Baltimore City Council *Fourth District*

100 N. Holliday Street, Suite 550 • Baltimore, Maryland 21202
(410) 396-4830 • mark.conway@baltimorecity.gov

TO: Chair William C. Smith, Jr.; Vice Chair Jeff Waldstreicher; members of the Judicial Proceedings Committee

FROM: Mark Conway (District 4, Baltimore City Council; Chair, Public Safety and Government Operations Committee)

RE: SB1098 (Correctional Services - Diminution Credits - Sexual Offenses)

POSITION: SUPPORT

I am writing in strong support of SB1098 (Correctional Services - Diminution Credits - Sexual Offenses), which would prohibit an incarcerated individual who is currently serving a sentence for first-degree rape or first-degree sexual offense from being entitled to diminution credits and the possibility of early release.

Last September, Pava LaPere, the 26-year-old CEO of a tech startup in Baltimore, was murdered and found on the roof of her apartment building. I had a chance to meet Pava just hours before at Artscape, where she was brimming with energy, excitement, and passion. Following a dayslong manhunt for her killer, Jason Billingsley, a previously convicted sex offender, was arrested and charged with first-degree murder, assault and using a brick as a dangerous weapon.

In 2013, Billingsley had been arrested and charged with rape after forcing a woman to perform oral sex on him at knifepoint. Billingsley pleaded guilty to a lesser charge of first-degree sex offense and was sentenced to 30 years in prison. Nine years later, he was released from prison early under Maryland's diminution credit system. Diminution credits can be earned by inmates and used to reduce their sentence and facilitate early release.

This legislation would restrict sex offenders' ability to earn diminution credits that reduce their sentence by restricting approval or denial of early release to a decision made through the parole commission. Sexual crimes are inherently violent, abhorrent, and beyond reproach at any level. Offenders who prey on their victims through the shame, humiliation, and indignity of sexual crimes should not be offered the option of early release without the approval of a parole commission. The decision to let violent sexual predators out early should not be made lightly, and those who would desecrate another in such a way should not be allowed to roam the streets again so easily.

Pava deserved better. I hope we can agree to take this commonsense step to protect our communities.

Sincerely,

Mark S. Conway, Jr.

SB1098-JPR-FAV.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB 1098

February 27, 2024

TO: Members of the Senate Judicial Proceedings Committee
FROM: Nina Themelis, Director of Mayor's Office of Government Relations
RE: Senate Bill 1098– Correctional Services – Diminution Credits – Sexual Offenses

POSITION: Support

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 1098.

SB 1098 prohibits incarcerated individuals serving a sentence for first degree rape or first degree sexual offense from receiving diminution credits, as is currently allowable under the State of Maryland's Correctional Services Article 3-702. While the Justice Reinvestment Act of 2016 made needed improvements to requirements and permissions under Maryland law, there are still certain crimes – first degree rape and sexual assault – that should not allow for diminution credits.

Research has found a 30% recidivism rate at year 10 after sexual offenders are released from prison, and an increase to 52% re-offending by year 25.¹

Given the nature of the crime and concerns about recidivism, this legislation rightly prevents diminution credits from being applied to the sentences of those convicted on first degree rape or first degree sexual assault charges.

For these reasons, the BCA respectfully requests a **favorable** report on SB 1098.

¹ "Sex Offender Recidivism," NJCRS Office of Justice Programs, SART Toolkit
https://www.ncjrs.gov/ovc_archives/sartkit/about/about-sa-so-a.html

SB1098 - OPPOSITION.pdf

Uploaded by: Anne Kirsch

Position: UNF



PREPARE
PREpare for PARole and REentry

Anne Bocchini Kirsch
Director of Advocacy, PREPARE
anne@prepare-parole.org
(410) 994-6136

SB1098 - Correctional Services - Diminution Credits - Sexual Offenses - OPPOSITION

SB1098 seeks to eliminate diminution credits for First Degree Rape, a charge that carries up to a life without the possibility of parole sentence in some circumstances, and up to a life sentence under any circumstances. That means that in every case, the judge already has the ability to impose a completely indeterminate sentence, so if the judge chooses to go below the life sentence, that judge would already be considering the totality of the sentence they imposed, including the possibility of diminution credits. Creating a single charge carve out like this one creates a lot of administrative work - difficulties in the life sentence parole eligibility calculation, the need for constant judicial education and sentence range calculation, with the errors, confusion and modifications that follow - but does little to change actual time served.

It is concerning that in response to a recent high profile case, we are discussing how to make a life sentence more severe rather than how to prevent recidivism, or reduce criminality in the first place. There are many gaps in the system when it comes to sex crimes including a lack of treatment inside the prison and in the community, a Sex Offender Advisory Board (SOAB) that has not posted meetings, minutes or reports since the Hogan Administration, a COMET Supervision system operating under Containment Model principles developed in the 1990's, and a crumbling mandated "treatment" system that soaks up Medicaid funding, denies individuals access to the therapeutic care they need, lacks infrastructure in many counties, and has consistently poor outcomes. There is a desperate need for funding, research, and development of effective programming, so diverting it to administrative waste instead is not a harmless prospect.

Furthermore, diminution credits serve an important function, even in life sentences. Life sentences imposed today carry a parole eligibility of 20 years less diminution credits, so while diminution credits do not create a release date, they are applicable in the parole process. While no lifer has actually been paroled under 20 years, the earlier hearing offers an important meeting with parole commissioners to get programming

PREPARE
PO Box 9738 Towson, MD 21284

recommendations and guidance for case management, improving access to more impactful rehabilitation. Those convicted of First Degree Rape need this programming access as much as if not more than others carrying life sentences.

For those times when a judge chooses to impose a determinate sentence, diminution credits serve an even more important function. They encourage good behavior, act as a wage for work, and motivate people to take part in programming. Incarcerated people are paid as little as \$1/day - a wage that is impossible to even purchase basic hygiene items on. Without diminution credits, many individuals might choose the more lucrative path of participating in illegal contraband markets solely to survive because there is literally nothing to lose. Hopelessness, gang activity, and controlled substances create an environment that is harmful to staff, contractors, volunteers, and incarcerated individuals alike, and that is precisely what the removal of diminution credits creates.

Diminution credits are an important part of almost every state in the US. I urge an unfavorable report on SB1098.

SB1098 FAIR UNFAV.pdf

Uploaded by: Brenda Jones

Position: UNF

Unfavorable Response to SB1098 **Correctional Services - Diminution Credits - Sexual Offenses**

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. In this bill, it is clear that the sponsor has addressed ex post facto concerns. However, FAIR's main concern is the impact of this bill on community safety.

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.

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 any individual from utilizing the incentives provided by our department of correction does absolutely nothing to prevent potential reoffence once a person is released. We urge the committee to return an unfavorable vote for SB1098.

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries

2024 SB1098 (Dim Creds Sex Offenses) - MOPD Unfav.

Uploaded by: Elise Desiderio

Position: UNF



PAUL DeWOLFE
PUBLIC DEFENDER

KEITH LOTRIDGE

DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
DIRECTOR OF POLICY AND DEVELOPMENT

KRYSTAL WILLIAMS

DIRECTOR OF GOVERNMENT RELATIONS DIVISION

ELIZABETH HILLIARD
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

POSITION ON PROPOSED LEGISLATION

BILL: SB1098 — Corr. Servs.— Diminution Credits — Sexual Offenses

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: 02/27/2024

The Maryland Office of the Public Defender urges an unfavorable report on Senate Bill 1098.

This bill would mandate that a person convicted of first-degree rape is not entitled to diminution credits and is not allowed deductions for any pre-sentence or post-sentence confinement in a local correctional facility. This significant departure from current law would mean that a person serving a sentence for first-degree rape is ineligible for diminution credits, regardless of any demonstrated rehabilitation while incarcerated.

Currently, an incarcerated person is ineligible for diminution credits if they are serving a sentence:

- (1) for first- or second-degree rape of a person under 16 (Corr. Servs. § 3-702(b));
- (2) for a subsequent conviction of third-degree sexual offense against a person under 16 (Corr. Servs. § 3-702(c))’
- (3) for a violation of lifetime sexual offender supervision (Crim. Proc. § 11-724(c)).

“Diminution credits reduce the incarceration period, not the length of a sentence or term of confinement.”¹ There are several types of diminution credits: good conduct, work tasks, education, and special programs or projects. *Id.*

Good conduct credit or ‘good time’ credits are calculated and automatically advanced to a person upon intake: these credits are the incarcerated person’s to lose. Depending on the date the sentence was imposed, whether the sentence is for a crime of violence as defined in Crim. L. § 14-101, or whether a

¹ Dept. of Legislative Servs. Off. of Policy Analysis, *Maryland Diminution Credit System* (Dec. 2020), available at: <https://dls.maryland.gov/pubs/prod/CourtCrimCivil/Maryland-Diminution-Credit-System.pdf>.



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

person is statutorily prohibited from earning diminution credits, good conduct credits are awarded at a rate of either 5 or 10 days per month. Corr. Sevs. § 3-704.

Credits associated with programming, education, or work are earned as a person participates in the program, education, or work. Corr. Servs. §§ 3-705 through 3-707. These credits can allow for deductions of anywhere between 5 and 20 days per month, depending on the type.

A person's total diminution credits may be limited. A person serving a sentence for a crime of violence, sexual offense, or being a volume drug dealer or kingpin is limited to a total deduction of 20 days per month. For all others, the maximum deduction is 30 days per month. Corr. Servs. § 3-708. Further restrictions may exist for sentences imposed between 1992 and 2017 and before 1992.

These credits serve several purposes: as a behavioral incentive and to reduce prison overcrowding. *Stouffer v. Staton*, 152 Md. App. 586, 592 (2003). Moreover, there are already offense-based limitations on earning such credits. Crucially, the Division of Correction can revoke some types of credits. Diminution credits for good conduct or special projects may be deducted if a person commits infractions in the Division of Correction. Corr. Servs. § 3-709. These deductions serve as a way to both encourage rehabilitative behavior and discourage poor adjustment.

The diminution credit system as it currently exists can be individualized to address the good or poor adjustment of an individual incarcerated person. Further blanket restriction of the diminution credit system does not serve the public's interest in rehabilitation or community safety. We urge an unfavorable report.

Submitted by: Maryland Office of the Public Defender, Government Relations Division

**Authored by: Elise Desiderio, Assistant Public Defender II, Appellate Division,
elise.desiderio@maryland.gov**

OPPOSE SB 1098 - DIM credits.pdf

Uploaded by: Philip Caroom

Position: UNF

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
DATE: Feb. 27, 2024

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.