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TESTIMONY IN SUPPORT OF HOUSE BILL 301

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The Governor's Office of Crime Prevention and Policy (GOCPP) is a coordinating office advising the Governor on criminal justice strategies. The office plans, promotes, and funds efforts with government entities, private organizations, and the community to advance public policy, enhance public safety, reduce crime and juvenile delinquency, and serve victims.

HB 301 excludes an incarcerated individual serving a sentence for first-degree rape or first-degree sexual offense as a first-degree sexual offense existed before October 1, 2017, from eligibility for diminution credits to reduce their sentence.

Generally, someone serving a sentence in a Maryland prison or local jail may earn diminution-of-confinement credits to reduce their term of incarceration. Diminution credits are days of credit either granted or earned monthly. There are several types of diminution credits.

- Perhaps the most widely known category, the State automatically advances "good time" credits to a newly incarcerated person at intake, subject to their future good behavior. The amount of good time depends on the crime and sentence date.
- An incarcerated person may earn a five-day term reduction for each month they achieve satisfactory performance of assigned work tasks.
- An incarcerated person may earn a five-day term reduction for each month they achieve satisfactory progress in or completion of certain specified treatment programs, vocational courses, and educational programs.
- An incarcerated person may earn up to a 20-day deduction for each month they achieve satisfactory progress in selected work projects or other special programs, including recidivism reduction programming, designated by the Commissioner of Correction and approved by the Secretary of Public Safety and Correctional Services.

Under current law, the following people may not earn diminution credits:

- Someone serving a sentence for first- or second-degree rape or the former crimes of first or second-degree sexual offense against a victim under age 16
- Someone serving a sentence for third-degree sexual offense against a victim under age 16

- Someone imprisoned for a lifetime sexual offender supervision violation

This bill expands the prohibited list to include first-degree rape and first-degree sexual offense regardless of the victim's age, leaving to the Parole Commission decisions about releasing people with these convictions. Including the Maryland Parole Commission in this process will ensure people not prepared to reenter society safely are not released back into our communities.

Sexual assault is one of the most cruel, heinous, and damaging acts one human can commit against another. Sexual assault not only undermines an individual victim's feeling of safety and bodily autonomy – if they survive it –, but it also has the power to break families and stoke fear and mistrust in entire communities. The harm of a single sexual assault can plague generations of a family and community.

HB 301 might have prevented Pava LaPere's unthinkable death.

GOCPP urges the House Judiciary Committee to favorably report on House Bill 301.