

CANDACE McLAREN LANHAM
Chief Deputy Attorney General



ANTHONY G. BROWN
Attorney General

CHRISTIAN E. BARRERA
Chief Operating Officer

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

CAROLYN A. QUATTROCKI
Deputy Attorney General

LEONARD HOWIE
Deputy Attorney General

PETER V. BERNS
General Counsel

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
(410) 576-7036

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

February 6, 2024

TO: The Honorable Luke Clippinger
Chair, House Judiciary Committee

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

RE: HB 310-Safe Communities Act of 2024- **OPPOSE**

The Office of the Attorney General (OAG) requests an UNFAVORBLE report on **House Bill 310**.

House Bill 310 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. **House Bill 310** would add those convicted of murder to the list of individuals who are 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 less time than the sentence they were ordered to serve. Diminution credits, in addition to parole, 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.

House Bill 310 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 their 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. Correctional officers frequently say that DIM credits are necessary to maintain order in the facility and encourage inmates to participate in programs.

In addition, **House Bill 310** eliminating the earning of diminution credits would increase the population at both state correctional facilities and local, county facilities which in turn, would cost the taxpayers money to fund more days for inmates in correctional facilities.

For the forgoing reasons, the Office of the Attorney General **OPPOSES House Bill 310** and requests the Judiciary Committee give it an **UNFAVORABLE** report.

cc: Delegate Jason Buckel
Committee Members