



TESTIMONY IN OPPOSITION TO HOUSE BILL 374

Correctional Services – Diminution Credits – First-Degree Murder

TO: Members of the House Judiciary Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

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The University of Baltimore School of Law’s Center for Criminal Justice Reform (“the Center”) is dedicated to supporting community-driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system. The Center submits this written testimony in opposition to House Bill 374.

House Bill 374 would bar individuals serving sentences for first degree murders that occur on or after October 1, 2025 from earning diminution credits. Diminution credits, sometimes called “dim credits,” are important tools that allow the Department of Public Safety and Correctional Services (DPSCS) to facilitate orderly administration of our state’s correctional facilities by awarding reductions in sentences for those incarcerated individuals who comply with institutional rules. Similarly, DPSCS can rescind credits for poor behavior. Under current law, individuals serving sentences for a “crime of violence,” including first-degree murder, earn diminution credits at a lower rate than other incarcerated individuals.

I. House Bill 374 disincentivizes rehabilitation by eliminating or reducing the use of what DPSCS calls a “key rehabilitative component.”¹

Diminution credits incentivize participation in programming and supportive services. Eliminating or mitigating the application of diminution credits will reduce participation in programs and opportunities to develop skills needed for successful rehabilitation and reentry. A broad base of research demonstrates that participation in rehabilitation programs in prison can meaningfully reduce recidivism.²

¹ The Department of Public Safety and Correctional Services (“DPSCS” or “the Department”) recognizes diminution credits as “a key rehabilitative component” for incarcerated people. Racial Equity Impact Note, 1.

² See Duwe, G. (2017, June). *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes*. United States Department of Justice, Office of Justice Programs. <https://www.ojp.gov/pdffiles1/nij/250476.pdf>; Davis, L. M. (2013). *Evaluating the Effectiveness of Correctional Education*. RAND Corporation. https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/RAND_Correctional-Education-Meta-Analysis.pdf.

In fact, Maryland Correctional Enterprises reports a 60% reduction in recidivism for incarcerated people who complete its programs.³ Unfortunately, in spite of those encouraging results, Maryland only offers the opportunity to participate in job training programs to 10% of people in state prisons.⁴ Given the public safety benefits of rehabilitative programming in prisons, Maryland should expand the availability of evidence-based programs and encourage—not disincentivize—participation in those programs.

II. House Bill 374 exacerbates the risk of violence to staff and incarcerated people in correctional settings, further undermining public safety, including for everyone who lives in the communities to which incarcerated people return.

It is to the public safety benefit of every Marylander that those returning to our communities from incarceration are set up for success. The vast majority of people who are incarcerated, even those serving sentences for the most serious offenses, will eventually be released. Nationally, approximately 95% of people incarcerated in state facilities will be released from prison at some point.⁵ Maryland prisons release over 7,000 people annually.⁶ Research demonstrates that House Bill 374 will exacerbate risks of violence to correctional staff, incarcerated people, and communities writ large because policies that make prisons less safe make our communities less safe. The chair of the Maryland Parole Commission has also acknowledged that incentivizing good conduct “lowers the threat of violence on our prison staff.”⁷ The trauma and criminogenic effects of incarceration may be amplified by higher levels of misconduct, abuse, and violence in correctional settings.

Reducing violence, facilitating programmatic participation and engagement, and otherwise supporting hope and human dignity behind the walls serve to improve safety both inside institutions and in the communities to which formerly incarcerated people return. For these reasons, we urge an unfavorable report on House Bill 374.

³ *Prisoners employment and rehabilitation resources*. Maryland Alliance for Justice Reform. (2023, December 19). <https://www.ma4jr.org/prisoners-employment-and-rehabilitation-act/>.

⁴ *Id.*

⁵ *Why punishing people in jail and prison isn't working*. Vera Institute of Justice. (2023, October 24). <https://www.vera.org/news/why-punishing-people-in-jail-and-prison-isnt-working>.

⁶ *Maryland profile*. Prison Policy Initiative. <https://www.prisonpolicy.org/profiles/MD.html>.

⁷ *Still Blocking the Exit*. ACLU of Maryland. (2015, January 20). <https://www.aclu-md.org/en/publications/still-blocking-exit>.