



**UNIVERSITY OF
BALTIMORE**

Center for Criminal
Justice Reform



**MARYLAND OFFICE OF THE
PUBLIC DEFENDER**

ACLU
Maryland

TESTIMONY IN OPPOSITION TO SENATE BILL 105

Real Time for Violent Crime Act (Geri's Law)

TO: Members of the Senate Judicial Proceedings Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law; Maryland Office of the Public Defender; ACLU of Maryland

DATE: January 23, 2026

The University of Baltimore School of Law's Center for Criminal Justice Reform, Maryland Office of the Public Defender, and ACLU of Maryland jointly submit this written testimony in opposition to Senate Bill 105.

Senate Bill 105 would eliminate all diminution credit for people serving sentences for first-and second-degree murder and would prevent those convicted of a "crime of violence," the significant majority of Maryland's incarcerated population, from earning diminution credit for more than 10% of their aggregate sentence. The bill would also intrude on judicial discretion by depriving judges of the ability to authorize the pretrial release of certain defendants based on the unique facts and circumstances of each individual case.

Senate Bill 105 is overly broad and inadvertently undermines public safety by disincentivizing participation in rehabilitative programming, exacerbating the risk of violence to correctional staff and incarcerated people, and undermining reentry success for those returning to their communities after lengthy periods of incarceration. As the fiscal note makes clear, this legislation would drive potentially significant increased costs to Maryland for lengthier prison terms at the same time that states across the country are recognizing the research-backed reasons to reduce unnecessarily long prison terms, and that our state is facing a severe budget crisis.¹ It inadvertently extinguishes a key rehabilitative factor as discussed below: hope.

¹ Fiscal and Policy Note, SB 105 Maryland General Assembly, 2026 Session, https://mgaleg.maryland.gov/2026RS/fnotes/bil_0005/sb0105.pdf

I. Senate Bill 105 is overly broad and does not effectively address those who pose the highest public safety risk.

Senate Bill 105 is not narrowly tailored to address the small minority of Maryland’s incarcerated population who pose the very highest public safety risk.

First, nearly a third of Maryland’s prison population is serving a sentence for first or second degree murder.² This population includes people serving sentences for murder convictions under the “felony murder” rule, also known as “guilt by association,” which holds people strictly liable for all deaths during the commission of a qualifying felony. Senate Bill 105 would eliminate all diminution credits for people serving felony murder convictions—people who did not have the intent to kill anyone and who did not kill anyone.

Second, Senate Bill 105 would cap the earning of diminution credits at 10% of an aggregate sentence for an individual serving time for a “crime of violence.” Under Maryland law, crimes of violence encompass a very broad spectrum of conduct. For example, someone who tried to break into an unoccupied home to steal a laptop has committed “a crime of violence” and would have their diminution credits capped at 10% of their sentence under Senate Bill 105.³ As a result, Senate Bill 105 would reduce the application of diminution credit for a very large percentage of Maryland’s incarcerated population.

II. Senate Bill 105 disincentivizes rehabilitation by eliminating or reducing the use of what DPSCS calls a “key rehabilitative component.”⁴

Diminution credits incentivize participation in programming and supportive services, and provide incarcerated people and their loved ones hope. 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.⁵

In fact, Maryland Correctional Enterprises reports a 60% reduction in recidivism for incarcerated people who complete its programs.⁶ Unfortunately, in spite of those encouraging results, Maryland only offers the opportunity to participate in job training programs to 10% of

² Racial Equity Impact Note, SB 652, Maryland General Assembly 2023 Session, <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2023RS-SB0652-REIN.pdf>, 3.

³ See e.g., CR, §6-202

⁴ 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.

⁵ 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://bj.a.ojp.gov/sites/g/files/xyckuh186/files/Publications/RAND_Correctional-Education-Meta-Analysis.pdf.

⁶ Prisoners employment and rehabilitation resources. Maryland Alliance for Justice Reform. (2023, December 19). <https://www.ma4jr.org/prisoners-employment-and-rehabilitation-act/>

people in state prisons.⁷ 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.

There is strong empirical support linking hope and positive outcomes, which supports the DPSCS association of use of diminution credits as a “key rehabilitative program.” For example, a study of the removal of parole in Georgia resulted in individuals accruing “a greater number of disciplinary infractions, complet[ing] fewer prison rehabilitative programs, and recidivat[ing] at higher rates than inmates unaffected by the reform.”⁸ Second, a study of truth-in-sentencing in Arizona found an increase in rule infractions, a decrease in program participation, and an increase in recidivism upon release.⁹

As reinforced and reported in the final recommendations of the Charles Colson Task Force on Federal Corrections, “Hope was a prominent thread throughout this Task Force’s fact finding as a key factor in successful treatment and rehabilitation.”¹⁰ In spoken testimony, written submissions, roundtable sessions, and one-on-one meetings, many stakeholders agreed that hope sustains individuals throughout incarceration and encourages them to pursue opportunities to prepare for release. Both currently and formerly incarcerated individuals reported that the hope of reuniting with the family they left behind drove them to seek treatment in prison and prepare for the challenges of returning home.”

III. Senate Bill 105 exacerbates the risk of violence to staff and incarcerated people in correctional settings, further undermining public safety 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.¹¹ Maryland prisons release over 7,000 people annually.¹² Research demonstrates that Senate Bill 105 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.

These concerns are all the more pressing in light of the Department of Public Safety and Correctional Services Fiscal 2026 Budget Overview which reported that violent assaults in

⁷ *Id.*

⁸ Ilyana Kuziemko, *How Should Inmates be Released from Prison? An Assessment of Parole Versus Fixed-Sentence Regimes*, *The Quarterly Journal of Economics*, Volume 128, Issue 1, February 2013, Pages 371-424, <https://doi.org/10.1093/qje/qjs052q>

⁹ Macdonald, David, *Truth in Sentencing, Incentives and Recidivism* (April 24, 2024). Available at SSRN: <https://ssrn.com/abstract=4806765> or <http://dx.doi.org/10.2139/ssrn.4806765>

¹⁰ Charles Colson Task Force of Federal Corrections, *Transforming Prisons, Restoring Lives, Final Recommendations of the Charles Colson Task Force on Federal Corrections*, (January 2016) <https://www.urban.org/sites/default/files/publication/77101/2000589-Transforming-Prisons-Restoring-Lives.pdf>

¹¹ *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>.

¹² *Maryland profile*. Prison Policy Initiative. <https://www.prisonpolicy.org/profiles/MD.html>.

Maryland facilities jumped by more than 50% last fiscal year compared to the prior year.¹³ The report also describes a dramatic increase in the rate of attacks on correctional staff, more than triple the Department's "acceptable rate."¹⁴ The chair of the Maryland Parole Commission has also acknowledged that incentivizing good conduct "lowers the threat of violence on our prison staff."¹⁵ The trauma and criminogenic effects of incarceration may be amplified by higher levels of misconduct, abuse, and violence in correctional settings.

IV. Senate Bill 105 restricts a judges' ability to consider individual circumstances and make informed decisions about pretrial release.

Additionally, this bill prohibits judges from authorizing the pretrial release of a defendant who is charged with a crime of violence if the defendant (1) has a pending charge for a crime of violence in Maryland (or a crime in another jurisdiction that would be a crime of violence if committed in Maryland), or (2) within the previous 10 years, was convicted in Maryland of a crime of violence (or in any other jurisdiction of a crime that would be a crime of violence if committed in Maryland). By automatically denying pretrial release based on pending charges or prior convictions, it assumes guilt before a defendant has had a fair trial. A defendant should not have their pretrial rights in Maryland impeded by the proceedings for a mere charge, not a conviction, in another jurisdiction. The state should not be restricting a judges' ability to consider individual circumstances and make informed decisions about pretrial release based on previous unproven charges or legal proceedings in another jurisdiction.

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 Senate Bill 105.

¹³ See Department of Legislative Services Office of Policy Analysis, *Department of Public Safety and Correctional Services Fiscal 2026 Budget Overview*, Annapolis, Maryland January 2025

¹⁴ *Id.*

¹⁵ Still Blocking the Exit. ACLU of Maryland. (2015, January 20). <https://www.aclu-md.org/en/publications/still-blocking-exit>.