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POSITION ON PROPOSED LEGISLATION

BILL: SB0105 — Corr. Servs.— Real Time for Real Crime (Geri's Law)

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: January 22, 2026

The Maryland Office of the Public Defender urges an unfavorable report on Senate Bill 0105.

This bill would mandate that a person convicted of murder in the first or second degree is not entitled to diminution credits. The bill also limits diminution credits for any individual serving a crime of violence to no more than 10% of their sentence. Finally, the bill denies pre-trial release for any defendant who has pending charges for a violent crime or who has been convicted of a crime of violence in the last ten years. As shall be explained below, this bill will seriously undermine public safety by discouraging rehabilitation. It will punish those who strive to turn their life around, while rewarding those who do not.

What are diminution credits and how do they operate?

Today, incarcerated individuals serving a term of years sentence can be mandatorily released prior to completing their full executed sentence by earning diminution credits or "dims." Each dim credit counts as one day towards release. There are four types of credit, Good Conduct Credits, Industrial Credits, Education Credits and Special Project Credits.

Good conduct credit or 'good time' credits are calculated and automatically advanced to a person upon intake: these credits are the incarcerated persons to lose. If an incarcerated individual is serving a crime of violence, good conduct credits are awarded at a rate of 5 days per month, or 60 days per year. Good conduct credits are awarded up front, and therefore serve as an important deterrent for incarcerated individuals from committing infractions. Worth noting that an individual serving a crime of violence gets over 10% of his sentence reduced upfront, meaning that under the proposed bill, a person serving a COV would have no incentive, going forward, to engage *in any prison programming*, as they will have already maxed out their dims.

Diminution credits associated with programming, education, or work are earned as a person participates in the program, education, or work. For violent crimes, these credits are awarded at a rate of 5 diminution credits per month, unless the Division of Corrections has designated the work job or educational program a special project, in which case an incarcerated individual can earn 5 additional

credits prospectively (10 total). Because programs are limited, a model incarcerated individual serving a crime of violence, who has actively engaged in programming serving a crime of violence can typically expect to be released after serving approximately two thirds of their sentence. Incarcerated individuals who do not have a model prison record can expect to serve considerably longer–and a number of incarcerated individuals, due to repeated infractions, serve close to their full sentence day for day. Mandatory release does not factor into incarcerated individuals serving either a straight life sentence, or life without parole for first degree murder, so dims have limited effect on those incarcerated individuals. A person serving a life sentence can receive an earlier parole hearing based on the diminution credits earned, but is in no way guaranteed release—and indeed, such individuals are seldom if ever released on their first parole hearing.

Why is this bill damaging to public safety?

This bill will likely have several unintended consequences to public safety. While not exhaustive, here are a few unfortunate consequences if this bill passes.

1. Model incarcerated individuals, who have demonstrated rehabilitation and no longer pose a risk to public safety, will serve longer sentences. The public defender represents incarcerated individuals, including those serving a sentence for murder, who have taken significant steps to rehabilitate. We also represent some incarcerated individuals who have demonstrated through their actions that they are not rehabilitated. We represent the incarcerated individual, serving a 30-year sentence, who has earned his GED, has not received any infractions, has the support of the warden and other key staff, has completed the Alternative to Violence and Thinking for Change Program and worked for several years as an observation aid, ensuring that fellow incarcerated individuals who are going through acute mental health crises receive the care they need. We also represent the incarcerated individual, serving a 30-year sentence, who has not taken advantage of the programs and services that the Division of Correction offers–the person who has multiple infractions for shanks, drugs and assaults. **This bill says that both those individuals should be released at the same time.**

2. This bill undermines public safety within the Division of Correction. The Public Defender represents both the incarcerated individual who is assaulted in the Division of Correction as well as the person who does the assaulting. The vast majority of the time, the consequence for committing an assault or manufacturing a weapon is the loss of diminution credits. But if there are no diminution credits, then there is likely no accountability for the vast majority of crimes and infractions that occur in the Division of Correction. At a time when the lack of public safety in the Division of Corrections has garnered significant attention, including 13 incarcerated individuals murdered in 2025, the highest number in over a decade, now is not the time to pass a bill which would remove the primary accountability mechanism for rule-breaking in the DOC. Passing a bill that reduces incentives for prisoners to engage in programming and while simultaneously ending the primary punishment or accountability for DOC infractions seems terribly wrongheaded.

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3. This bill will undermine the plea-bargaining process. Proponents of this bill characterize the mandatory release process as some sort of mysterious process that is separate and apart from judicial proceeding which resulted in the conviction. This is incorrect. The dims process is well understood by defense attorneys and prosecutors alike, and defendants routinely discuss the prospects of mandatory release during the plea-bargaining stage of a criminal case. The Defendant who accepts a plea of 24 years, for instance, believing that he could be released after serving around 16 years, is much more likely turn down that offer if he is barred from receiving diminution credits. More jury trials mean more resources that the Office of the Public Defender, the State and the Courts must expend. It also means more victims being dragged through the trauma of the jury trial process. To be sure, the State, in an effort to resolve cases for which the evidence may be weak or uncertain, may offer more favorable plea offers . As a result, incarcerated individuals who are the least interested rehabilitation may actually see their sentences reduced.

4. Eliminating diminution credits will result in more post-conviction claims. When attorneys misadvise clients regarding a change in the law concerning diminution credits, which happens routinely even regarding changes in law that occurred over a decade ago, clients who acted in reliance on that bad advice are entitled to a new trial. If this law passes, a certain subset of the defense bar will inevitably not get the memo, and misadvise their clients regarding the amount of time they will serve. The result will be more new trials for individuals who pled guilty.

5. This bill will seriously undermine rehabilitative efforts in the Division of Corrections. The prospect of earning diminution credits encourages incarcerated individuals to take steps towards rehabilitation. Consider this person, a 17 year old serving a 30-year sentence for murder, who, as a result of this bill, chooses not to get his GED, because, absent the incentive of diminution credits, he is too short sighted and inexperienced to see the value in what he is learning. For similar reasons, he doesn't work or learn tradecraft through the MCE shops. He also doesn't take programs like Alternatives to Violence, which teach incarcerated individuals better ways to resolve interpersonal conflict. At age 47, this individual, who, as a result of this bill, has not engaged in any rehabilitation is going to be released back into the community.

6. Under this bill, even an individual who takes full advantage of the rehabilitative services available, and demonstrates that he or she is ready to return to the community will not serve any less time. Continuing to incarcerate someone who is rehabilitated has real costs. From a purely economic standpoint, this policy will cost the State tens of thousands of dollars per year to house individuals who have demonstrated rehabilitation, but more than the pure economic cost, communities, neighborhoods, and ultimately Maryland families suffer. This bill punishes those who are demonstrating they are rehabilitated at great cost to our taxpayers and the community, while rewarding those individuals who have no interest in rehabilitation.

7. Finally, the limitations on bail undermine judicial discretion by mandating that an individual remain incarcerated pre-trial, regardless of the situation. For instance, a judge would have no discretion for someone accused a robbery, who is cooperating with police, to release that

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individual pre-trial—irrespective of the personal risk keeping that defendant locked up pre-trial would entail. Nor would a court have any ability to release an individual pre-trial, to receive necessary drug or mental health treatment, even if the judge believed based on the evidence that treatment would be in both the individual's and community's interest. Such a provision would likely hurt public safety.

Bottom line, this bill punishes those who want to rehabilitate by making them serve longer in prison and rewards those who have no interest in changing their bad life choices. It also undermines judicial discretion by eliminating any pre-trial release for individuals facing charges for a crime of violence, regardless of the circumstances. This is not a well thought out bill.

The Office of the Public Defender urges an unfavorable report on Senate Bill 0105

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