



## **TESTIMONY IN OPPOSITION TO HOUSE BILL 697 & HOUSE BILL 463**

### **Correctional Services - Diminution of a Term of Confinement**

**TO:** Members of the House Judiciary Committee  
**FROM:** Center for Criminal Justice Reform, University of Baltimore School of Law;  
Maryland Office of the Public Defender; ACLU of Maryland  
**DATE:** February 27, 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 **House Bill 697 and House Bill 463**.

House Bill 697 and House Bill 463 would bar individuals serving sentences for first-degree murders committed on or after October 1, 2026, from earning diminution credits. Both bills will prohibit the ability of incarcerated individuals to receive diminution credits. However, House Bill 697 applies only to offenses that occurred on or after October 1, 2026, whereas House Bill 463 has no such date restriction.

Diminution credits, also called “dim credits,” are important tools that allow the Department of Public Safety and Correctional Services (DPSCS or the Department) to incentivize program participation, promote personal growth and rehabilitation, and facilitate the orderly administration of our state’s correctional facilities by awarding certain sentence reductions to 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. These bills disincentivize rehabilitation by eliminating or reducing the use of what DPSCS calls a “key rehabilitative component,” thereby removing hope and the potential for change as motivating factors.**

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.<sup>1</sup>

---

<sup>1</sup> 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*

In fact, Maryland Correctional Enterprises reports a 60% reduction in recidivism for incarcerated people who complete its programs.<sup>2</sup> 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.<sup>3</sup> 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 data showing that hope and positive outcomes are linked. This supports the Department’s use of diminution credits as a “key rehabilitative program.” A study of the removal of parole in Georgia showed that individuals accrued a greater number of disciplinary infractions, completed fewer rehabilitative programs, and that individuals affected by the reform had higher rates of recidivism in comparison to those unaffected by the reform.<sup>4</sup> Further, a truth-in-sentencing study in Arizona found an increase in rule infractions, a decrease in program participation, and an increase in recidivism.<sup>5</sup>

Hope plays a crucial role in the success of treatment and rehabilitation programs. This importance is emphasized in the final recommendations of the Charles Colson Task Force on Federal Corrections, which highlights hope as essential for these programs to succeed.<sup>6</sup> By eliminating dim credits for individuals who commit offenses on or after October 1, 2026, DPSCS risks stripping incarcerated people of hope and, consequently, their potential. Both current and formerly incarcerated individuals have reported that the hope of reuniting with their family and loved ones motivates them to pursue treatment during incarceration and to prepare for the significant challenges of returning home.

## **II. House Bills 697 and 463 exacerbate 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

---

*Correctional Education*. RAND Corporation.

[https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/RAND\\_Correctional-Education-Meta-Analysis.pdf](https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/RAND_Correctional-Education-Meta-Analysis.pdf).

<sup>2</sup> *Prisoners employment and rehabilitation resources*. Maryland Alliance for Justice Reform. (2023, December 19). <https://www.ma4jr.org/prisoners-employment-and-rehabilitation-act/>.

<sup>3</sup> *Id.*

<sup>4</sup> 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>

<sup>5</sup> 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>

<sup>6</sup> 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>

from prison at some point.<sup>7</sup> Maryland prisons release over 7,000 people annually.<sup>8</sup> Research demonstrates that House Bill 697 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.”<sup>9</sup> 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 inside institutions and in the communities to which formerly incarcerated people return. **For these reasons, we urge an unfavorable report on House Bill 697 and House Bill 463.**

---

<sup>7</sup> *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>.

<sup>8</sup> *Maryland profile*. Prison Policy Initiative. <https://www.prisonpolicy.org/profiles/MD.html>.

<sup>9</sup> *Still Blocking the Exit*. ACLU of Maryland. (2015, January 20). <https://www.aclu-md.org/en/publications/still-blocking-exit>.