

or distribution of controlled dangerous substances. Good conduct credit is awarded at the rate of 10 days per month for all other inmates (except for those inmates who are statutorily prohibited from earning diminution credits).

- For sentences imposed on October 1, 2017, or later, good conduct credit is awarded at the rate of 5 days per month if the inmate's term of confinement includes a sentence for a crime of violence (as defined in Criminal Law Article § 14-101) or being a volume drug dealer or drug distribution kingpin. Good conduct credits are awarded at the rate of 10 days per month for all other inmates (except for those inmates who are statutorily prohibited from earning diminution credits). (§ 3-704 of the Correctional Services Article)

## **Work Tasks**

An inmate may be allowed a deduction of five days from the inmate's term of confinement for each month during which the inmate manifests satisfactory performance of assigned work tasks. These credits are awarded monthly for the previous month's participation in assigned work tasks. (§ 3-705 of the Correctional Services Article)

## **Education**

An inmate may be allowed a deduction of five days from the inmate's term of confinement for each month during which the inmate manifests satisfactory progress in or completion of:

- vocational courses;
- other educational and training courses;
- workforce development training;
- cognitive-behavioral therapy;
- substance abuse therapy;
- life skills training; or
- antiviolence therapy, including anger management and conflict resolution. (§ 3-706 of the Correctional Services Article)

## Special Project

In general, for sentences imposed on October 1, 2017, or later, an inmate may be allowed a deduction of up to 20 days from the inmate's term of confinement for each month during which the inmate manifests satisfactory progress in those special selected work projects or other special programs, including recidivism reduction programming, designated by the Commissioner of Correction and approved by the Secretary of Public Safety and Correctional Services. The maximum applicable deduction is 10 days if an inmate's term of confinement includes a consecutive or concurrent sentence for a crime of violence, a sexual offense requiring registration on the Sexual Offender Registry, or being a volume drug dealer or drug distribution kingpin. (§ 3-707 of the Correctional Services Article). For sentences imposed between October 1, 1992, and October 1, 2017, special project credits may be awarded at the rate of up to 10 days per month for all inmates (except for those inmates who are statutorily prohibited from earning diminution credits).

An inmate must be assigned by case management to receive credits for job or program participation.

The following is a list of approved special projects as of June 1, 2020:

- prison industries assignments, including:
  - assignment to an industrial laundry operation;
  - any Maryland Correctional Enterprises assignment;
  - assignment to a prison industries program coordinated through the Federal Bureau of Prisons while in federal custody; or
  - assignment to a prison industries program for Maryland offenders serving a Maryland sentence in another state pursuant to the Interstate Corrections Compact;
- educational programs, including:
  - assignment as a student to an academic or vocational education program coordinated through the Correctional Education Office;
  - assignment as a student to an academic or vocational education program coordinated by the Federal Bureau of Prisons while in federal custody; or
  - assignment to a registered apprenticeship training program;
- work detail assignments, including:

- institutional barber;
- commissary clerk;
- a position in the maintenance department;
- a work assignment in the institutional dietary department;
- an aide, tutor, or clerk directly supporting an educational program or library service coordinated through the Correctional Education Office;
- a detail that performs work in the institutional infirmary;
- observation aide;
- dog handler;
- beekeeper;
- wheelchair assistant;
- blind escort;
- maintenance emergency response;
- outside maintenance;
- road crew; or
- utility minimum and pre-release;
- work release employment; and
- rehabilitation programs, including the following programs addressing substance abuse and criminal behavior:
  - local re-entry;
  - re-entry CORE transition;
  - addictions treatment protocol;

- Addiction Stabilization Treatment Enhancement Program;
- therapeutic community;
- cognitive therapy:
  - communications;
  - decisions;
  - domestic violence;
  - relationships;
  - seeking safety;
  - Thinking for a Change;
  - Thinking Deciding Changing;
  - Victim Impact: Listen and Learn;
  - parenting – Inside Out Dads;
  - parenting;
  - anger management;
  - conflict resolution;
  - alternatives to violence;
  - Decision Points; and
  - Trauma Education and Support for Survivors.

Special project credits awarded by a local detention center, between the date an inmate is sentenced to the custody of the Commissioner of Correction and the date the inmate is transferred to DOC, qualify as special project credits. (§ 3-707 of the Correctional Services Article)

In addition, for offenses committed from July 1, 1989, to July 1, 2007, five special project credits per month may be awarded for housing (double ceiling) if offense and housing assignment criteria are met and the statutory limit is not exceeded. (COMAR 12.02.06.04)

Special project credits are available to inmates in addition to work or education credits so that an inmate gets five credits for the work or education project to which the inmate is assigned and an additional five credits for having that particular project designated as a “special project.” Special projects do not exist outside of the context of a work or education assignment.

## **Limit on Earning Diminution Credits**

An inmate whose term of confinement includes a consecutive or concurrent sentence for a crime of violence, a sexual offense, or being a volume drug dealer or drug distribution kingpin may not be allowed a total deduction of more than 20 days per month. For all other inmates, the maximum monthly deduction is 30 days. (§ 3-708 of the Correctional Services Article). For terms imposed between October 1, 1992, and October 1, 2017, the maximum deduction is 20 days per month for all inmates. For terms imposed before October 1, 1992, the maximum deduction is 15 days per month for all inmates.

## **Effect of Justice Reinvestment Act on Diminution Credits**

Chapter 515 of 2016 (The Justice Reinvestment Act) is aimed at reducing Maryland’s prison population and using the savings to provide for more effective treatment to offenders before, during, and after incarceration. It altered provisions relating to sentencing, corrections, parole, and the supervision of offenders. With regard to diminution credits, the Act increased the maximum total deduction from 20 to 30 days per calendar month for all State correctional facility inmates except for inmates serving a sentence for a crime of violence, specified sexual offenders, or being a volume drug dealer or drug kingpin. The Act also increased the maximum deduction for special selected work projects or other special programs from 10 to 20 days per calendar month and expanded the types of programs for which an inmate may earn diminution credits. In addition, the Act increased the maximum deduction for diminution credits for an individual serving a sentence in a local correctional facility for a crime other than a crime of violence or specified volume drug offenses from 5 to 10 days per month. These provisions apply prospectively to inmates who are sentenced on or after October 1, 2017. (The information contained throughout this report reflects the changes made by Chapter 515.)

## **Revocation of Diminution Credits**

If an inmate violates DOC’s rules of discipline, DOC may revoke the inmate’s good conduct or special project credits as the result of an adjustment proceeding. DOC may not revoke educational or work task credits. (§ 3-709 of the Correctional Services Article)

Procedures relating to inmate discipline, including inmate compliance requirements, procedures for investigating and reporting inmate rule violations, informal disposition procedures, hearing procedures, and sanction guidelines are contained in the Code of Maryland Regulations. (COMAR 12.03.01.00-12.03.01.34)

Under specified circumstances, upon the recommendation of case management staff, a warden may restore diminution credit revoked during the current term of incarceration. (COMAR 12.02.06.06)

## **Mandatory Supervision**

Release on mandatory supervision is a conditional release from confinement that results from the application of diminution credits and applies only to an inmate in a State correctional facility sentenced to a term of confinement exceeding 18 months. An inmate in a State correctional facility serving a term of 18 months or less and an inmate in a local detention center may also earn credits, but such inmates are not subject to mandatory supervision on release. There is no discretion involved in release on mandatory supervision.

A person serving a sentence of longer than 18 months is incarcerated in a DOC facility. A person serving a sentence of one year or less in a jurisdiction other than Baltimore City is sentenced to a local detention facility. For a person sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC.

Individuals on mandatory supervision are supervised by the Department of Public Safety and Correctional Services (DPSCS) until the expiration of the term and are subject to the same terms and conditions as inmates released on parole. The individual remains on mandatory supervision until the maximum expiration date of the term of confinement.

Generally, an inmate convicted of a violent crime<sup>2</sup> committed on October 1, 2009, or later, is not eligible for release on mandatory supervision until after the inmate becomes eligible for parole (under § 7-301(c) or (d) of the Correctional Services Article), until after one-half of the sentence has been served. (§ 7-501(b) of the Correctional Services Article)

## **Unsupervised Release (Release by Expiration of Sentence)**

For a term of confinement of less than 18 months, credits are deducted from the maximum expiration date to establish a release date. The inmate is released from incarceration on the release date and is not subject to any further supervision.

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<sup>2</sup> As defined in CS § 7-101(m), “violent crime” includes the offenses listed in § 14-101 of the Criminal Law Article plus burglary in the first, second, and third degree.

## Parole

Diminution credits and parole are two distinct concepts. While diminution credits reduce an inmate's term of confinement, in general, parole is a discretionary and conditional release from confinement determined after a hearing for an inmate who is eligible to be considered for parole. If parole is granted, the inmate is allowed to serve the remainder of the sentence in the community, subject to the terms and conditions specified in a written parole order. The Maryland Parole Commission (MPC) has jurisdiction regarding parole for eligible inmates sentenced to State correctional facilities and local detention centers. Inmates in the Patuxent Institution who are eligible for parole are under the jurisdiction of the Patuxent Board of Review. Eligibility for parole is determined by criteria set forth in § 7-301 of the Correctional Services Article. Parole entitles the parolee:

- to leave the correctional facility in which the parolee was confined; and
- if the parolee satisfactorily complies with all the terms and conditions provided in the parole order, to serve the remainder of the parolee's term of confinement outside the confines of the correctional facility.

If a parolee violates a condition of the parolee's parole, the parole may be revoked, and sanctions may be imposed including reincarceration. (§§ 7-302 through 7-403 of the Correctional Services Article). If an inmate is convicted and sentenced to imprisonment for a crime committed while on parole and the parole is revoked, diminution credits that were awarded before the inmate's release on parole may not be applied toward the inmate's term of confinement on return to DOC. (§ 3-711 of the Correctional Services Article)

An inmate serving a sentence that is by statute nonparolable may still earn diminution credits. Nothing in law prohibits the awarding of diminution credits on a nonparolable sentence.

## Administrative Release

Chapter 515 (The Justice Reinvestment Act) established an administrative release procedure under which MPC must authorize the release of an inmate who meets specified eligibility criteria (without a hearing before MPC) when the inmate has served one-fourth of the inmate's sentence, if:

- the inmate has complied with the inmate's case plan;
- the inmate has not committed a category 1 rule violation, as defined in COMAR 12.02.27.04;

- the victim has not requested a hearing; and
- MPC finds a hearing unnecessary considering the inmate's history, progress, and compliance.

An individual on administrative release is subject to the jurisdiction of MPC in the same manner as a parolee and all laws and conditions that apply to parolees. (§ 7-301.1 of the Correctional Services Article)

## Revocation of Mandatory Supervision

As is the case with parolees, if the individual violates a condition of mandatory supervision, MPC may revoke the release and require the individual to serve the balance of the sentence, subject to the revocation caps created by Chapter 515 the Justice Reinvestment Act, which are applicable to technical violations. The MPC commissioner presiding at an individual's mandatory supervision revocation hearing may revoke diminution credits previously earned by the individual on the individual's term of confinement as follows:

- not more than 15 days for a first technical violation;
- not more than 30 days for a second technical violation;
- not more than 45 days for a third technical violation; and
- up to all remaining days for a fourth or subsequent technical violation or a violation that is not a technical violation.

There is a rebuttable presumption that the revocation caps are applicable. The presumption may be rebutted if an MPC commissioner finds and states on the record, after consideration of specified factors, that adhering to the revocation caps would create a risk to public safety, a victim, or a witness. (§ 7-504 of the Correctional Services Article)

"Technical violation" means a violation of a condition of probation, parole, or mandatory supervision that does not involve (1) an arrest or a summons issued by a commissioner on a statement of charges filed by a law enforcement officer; (2) a violation of a criminal prohibition other than a minor traffic offense; (3) a violation of a no-contact or stay-away order; or (4) absconding. (§ 6-101 of the Correctional Services Article)

If an inmate is convicted of and sentenced to imprisonment for a crime committed while on mandatory supervision and the mandatory supervision is revoked, diminution credits that were awarded before the inmate's release on mandatory supervision may not be applied toward the inmate's term of confinement on return to DOC. (§ 7-502(c) of the Correctional Services Article)

## **Earned Compliance Credit Program**

Under the Earned Compliance Credit Program, MPC or the court is required to reduce the period of a supervised individual's supervision on the recommendation of the Division of Parole and Probation (DPP) for earned compliance credits accrued. A "supervised individual" means an individual placed on probation by a court or serving a period of parole or mandatory release supervision after release from a correctional facility. It does not include a person:

- incarcerated, on probation, or convicted in Maryland for a crime of violence, a sex offense, homicide by motor vehicle or vessel, or a specified drug offense;
- registered or eligible for registration as a sex offender;
- convicted in any other jurisdiction of a crime and the person's supervision was transferred to this State; or
- convicted in Maryland of a crime and the person's supervision was transferred to another state.

"Earned compliance credit" means a 20-day reduction from the period of active supervision of the supervised individual for every month that a supervised individual:

- exhibits full compliance with the conditions, goals, and treatment as part of probation, parole, or mandatory release supervision, as determined by DPSCS;
- has no new arrests;
- has not violated any conditions of no contact requirements;
- is current on court-ordered payments for restitution, fines, and fees relating to the offense for which earned compliance credits are being accrued; and
- is current in completing any community supervision requirements included in the conditions of the supervised individual's probation, parole, or mandatory release supervision.

“Abatement” means an end to active supervision of a supervised individual without effect on the legal expiration date of the case or the supervised individual’s obligation to obey all laws, report as instructed, and obtain written permission from DPP before relocating residence outside the state. A supervised individual whose period of active supervision has been completely reduced as a result of earned compliance credits must remain on abatement until the expiration of the individual’s sentence, unless the individual consents to continued active supervision or violates a condition of probation, parole, or mandatory release supervision, including failure to pay a required payment of restitution. A supervised individual who is placed on abatement may not be required to regularly report to a parole or probation agent or pay a supervision fee. If a supervised individual violates a condition of probation while on abatement, a court may order the person to be returned to active supervision. (§ 6-117 of the Correctional Services Article)

## Local Correctional Systems

Comparable to inmates committed to DOC, an inmate who is sentenced to a local correctional facility (including the Baltimore City Detention Center<sup>3</sup>) may receive good conduct credit at the rate of 5 days per month if the inmate’s term of confinement includes a sentence for a crime of violence or being a volume drug dealer or drug distribution kingpin.<sup>4</sup> Good conduct credit is awarded at the rate of 10 days per month for all other inmates. (§ 11-504 of the Correctional Services Article). Additionally, an inmate is awarded 5 days credit for each month of presentence confinement as long as the inmate does not violate the disciplinary rules and works when the opportunity to work is available. (§ 11-503 of the Correctional Services Article)

An inmate in a local correctional facility may also be allowed:

- a deduction of five days per calendar month from the inmate’s term of confinement for each calendar month of presentence or postsentence confinement during which the inmate manifests (1) exceptional industry, application, and skill in the performance of any industrial, agricultural, or administrative tasks assigned to the inmate or (2) satisfactory industry, application, and progress in a vocational or other educational or training course; and
- a deduction of not more than five days from the inmate’s term of confinement for each calendar month or portion of a calendar month of presentence or postsentence confinement during which the inmate manifests satisfactory industry, application, and progress in special selected work projects or other special programs. (§§ 11-505 and 11-506 of the Correctional Services Article)

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<sup>3</sup> Although statute specifically references the Baltimore City Detention Center (BCDC), BCDC was demolished in 2019. Inmates sentenced to a local correctional facility in Baltimore City are currently housed at the Baltimore Pretrial Complex.

<sup>4</sup> For sentences imposed before October 1, 2017, good conduct credits are awarded at the rate of five days per month regardless of offense.

If an inmate violates a disciplinary rule, diminution credits may be revoked by the managing official of the institution after the inmate is afforded due process of law. (§ 11-507 of the Correctional Services Article)

As in the State system, a local inmate serving a sentence for first- or second-degree rape or sexual offense against a victim under the age of 16 or a second or subsequent conviction of third-degree sexual offense against a victim under the age of 16 may not earn diminution credits. Again, imprisonment for a lifetime sexual offender supervision violation is not subject to diminution credits. (§ 11-502 of the Correctional Services Article)

Diminution credits awarded to an inmate of a local correctional facility who is later transferred to DOC must be applied to the inmate's term of confinement. (COMAR 12.02.06.03)

A tabulation of diminution credit eligibility in Maryland can be found in **Exhibit 1**.

**Exhibit 1**  
**Diminution Credit Eligibility**  
**Maryland Law Effective October 1, 2020**

<u>Offenses</u>	<u>Diminution Credit Eligibility</u>
<b>State Facilities</b>	
First- or second-degree rape or sex offense against victim under 16	None
Repeat offender – third-degree sex offense against victim under 16	None
Violation of lifetime sexual offender supervision	None
Crime of violence <sup>1</sup>	5 days/month good conduct, 20 days/month total <sup>2</sup>
Volume drug dealer or drug distribution kingpin	5 days/month good conduct, 20 days/month total <sup>2</sup>
Sex offense requiring registration on Sex Offender Registry	10 days/month good conduct, 20 days/month total <sup>2</sup>
All other crimes	10 days/month good conduct, 30 days/month total <sup>3</sup>
<b>Local Facilities</b>	
First- or second-degree rape or sex offense against victim under 16	None
Repeat offender – third-degree sex offense against victim under 16	None
Violation of lifetime sexual offender supervision	None
Crime of violence	5 days/month good conduct, 15 days/month total <sup>4</sup>
Volume drug dealer or drug distribution kingpin	5 days/month good conduct, 15 days/month total <sup>4</sup>
All other crimes	10 days/month good conduct <sup>5</sup> , 20 days/month total <sup>4</sup>

Note: Per § 7-501 of the Correctional Services Article, an inmate convicted of a violent crime<sup>6</sup> committed on or after October 1, 2009, is not eligible for conditional release until after the inmate becomes eligible for parole (basically, after having served one-half of the inmate's sentence).<sup>7</sup>

<sup>1</sup> As defined in Section 14-101 of the Criminal Law Article: abduction, first degree arson, kidnapping, voluntary manslaughter, mayhem, maiming, murder, rape, robbery, robbery with a dangerous weapon, carjacking, armed carjacking, first degree sexual offense, second degree sexual offense, use of a firearm in the commission of a felony except possession with intent to distribute a controlled dangerous substance or other crime of violence, first degree child abuse, sexual abuse of a minor (under certain circumstances), home invasion, felony sex trafficking, forced marriage, attempts to commit the foregoing offenses, continuing course of conduct with a child, first degree assault, and assault with intent to murder, rape, rob, or commit a first or second degree sexual offense.

<sup>2</sup> Total may include credits for work tasks (5 days maximum), education (5 days maximum), and special projects (10 days maximum) in addition to good conduct.

<sup>3</sup> Total may include credits for work tasks (5 days maximum), education (5 days maximum), and special projects (20 days maximum) in addition to good conduct.

<sup>4</sup> Total may include credits for industrial, agricultural, or administrative tasks or vocational or other educational or training courses (5 days maximum); and special selected work projects or other special programs (5 days maximum) in addition to good conduct.

<sup>5</sup> The good conduct deduction for presentence confinement is 5 days per month.

<sup>6</sup> “Violent crime” means a crime of violence as defined in CR § 14-101 or burglary in the first, second, or third degree.

<sup>7</sup> See Section 7-301(c) and (d) of the Correctional Services Article for further details regarding eligibility for parole after conviction of a violent crime.

## Process After Sentencing

Promptly after an inmate is sentenced to the jurisdiction of DOC, DOC must assemble an adequate case record for the inmate that includes:

- a description of the inmate;
- a photograph of the inmate;
- the family history of the inmate;
- any previous record of the inmate;
- a summary of the facts of each case for which the inmate is serving a sentence;
- the results of a specified risk and needs assessment of the inmate; and
- the results of a physical, mental, and educational examination of the inmate.

Based on information assembled in the case record, DOC must classify an inmate and develop a case plan, as specified, to guide an inmate's rehabilitation while under the custody of DOC. In accordance with regulations adopted by DOC, the managing official of each correctional facility shall maintain, as a part of an inmate's case record:

- an adequate record of the conduct, effort, and progress of the inmate during confinement; and
- a record of the character of any offense committed by the inmate and the nature and amount of punishment inflicted. (§ 3-601 of the Correctional Services Article)

The Commissioner of Correction is required to maintain a system for administering the diminution of confinement for each inmate. A diminution of confinement record must:

- be established on the date that an inmate is received into the custody of the commissioner;
- contain entries reflecting all diminution credits awarded, revoked, or restored; and
- reflect a current and accurate record of diminution credit affecting an inmate's term of confinement.

The commissioner must ensure that staff responsible for maintaining the diminution of confinement record are notified within five days of:

- the date of an inmate's assignment to and subsequent removal from a work assignment, an education program, or a special project;
- revocation of an inmate's good conduct or special projects credit, or both; and
- the warden's approval to restore an inmate's revoked diminution credit. (COMAR 12.02.06.07)

The commitment unit within DOC is responsible for calculating the inmate's term of confinement, determining the number and type of diminution credits that may be applied toward that term, and determining the date of the inmate's release. The release date will change as the inmate earns new credits or has credits revoked for violating the rules of discipline.

Since July 1989, various statutory changes and court decisions have increased the complexity of the calculation of inmates' diminution credits and mandatory supervision release dates. In addition, legislative changes that restrict the earning or application of diminution credits may invoke the *ex post facto* doctrine to apply only to inmates whose crimes were committed after the changes took effect.

When a case record is received, the commitment unit performs an initial calculation of the term of confinement, deducting good conduct credit in advance. Thereafter, on the eighth day of each month, an electronic program identifies the work and program credits for each inmate and uses that information to recalculate a new release date.

Good conduct and special project are the only types of diminution credits that are based on offense criteria. Adding to or changing an inmate's sentence could affect eligibility. For example, if an inmate is serving a sentence for theft, and accordingly receiving 10 good conduct credits a month, and then is sentenced for a crime of violence, the person is eligible for only 5 good conduct credits a month for the person's entire term of confinement. The good conduct credits must, therefore, be recalculated at 5 credits per month from the beginning of confinement.

For inmates serving a life sentence, diminution credits are tabulated manually. However, no release date is calculated.<sup>5</sup>

An inmate may challenge the calculations prepared by the commitment unit any time in the process. A challenge may be initiated either informally or by formal appeal under the inmate

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<sup>5</sup> Diminution credits are relevant to an inmate serving a life sentence because such an inmate becomes eligible for parole consideration once the inmate has served 15 years or the equivalent of 15 years considering allowances for diminution credits (25 years if the inmate was sentenced to life imprisonment as the result of a death penalty proceeding).

grievance procedures. The challenge is forwarded to the commitment unit for an initial determination, which may be appealed to the Commissioner of Correction for a further investigation and response. The commissioner's decision may be appealed to the Inmate Grievance Office, which may be appealed to the Office of Administrative Hearings. Because these cases involve incarceration periods, all such questions may be additionally appealed to a circuit court as a *habeas corpus* matter. Inmates receive a printout showing their sentence calculation information once a year, but a case manager might share it more often.

In fiscal 2019, 5,531 inmates were sentenced to DOC, 1,944 inmates were returned to DOC from parole and mandatory supervision, 1,893 inmates were continued on parole or mandatory supervision, and 2,525 inmates were released on mandatory supervision. Due to COVID-19 pandemic responses, fiscal 2020 intake and release numbers were atypical and not provided for this report. The fiscal 2020 average daily population of all Maryland local correctional facilities was 8,053, which includes both detainees and sentenced inmates.

## Other States

Most states have sentence credit policies applicable to inmates in state prisons. There are two types of credits – earned time and “good time.” Earned time is a credit against an inmate’s sentence that the inmate earns for participation in or completion of productive activities. Good time credits are given to inmates for following prison rules and behaving properly.

At least 38 states offer earned time credits. Education, work, and participation in substance use treatment and other rehabilitative programs provide the most common opportunities for earned time. At least 38 states, as well as the federal prison system, give good time credits. In some states, good time credits involve some element of achievement above and beyond mere good behavior. For example, in Florida, an inmate may be granted up to 10 days “incentive gain time” for each month that the inmate works diligently, participates in training, uses time constructively, or otherwise engages in positive activities. Likewise, in Oklahoma, an inmate may receive up to 60 days sentence credit per month depending on the inmate’s classification level. The better an inmate’s marks for participation in work, education, or program assignments, personal hygiene, and maintenance of living area, the higher the classification level. Often, as is the case in Maryland, inmates serving sentences for more serious crimes have a reduced ability to earn good time credits or may not be able to earn good time credits at all.

Four states (Hawaii, Michigan, Minnesota, and Montana) do not allow sentence credits.

A tabulation of credits available to state prison inmates in all 50 states and the federal prison system can be found in **Exhibit 2**. It should be noted that, due to the complexities involved in the laws, policies, and procedures of the various states, including determinate versus indeterminate sentencing, the interplay with parole, program availability, and the amount of discretion given to corrections officials, it is impossible to make an exact “apples-to-apples” comparison of diminution credit systems.

**Exhibit 2**  
**Good Time and Earned Time Policies for State Prison Inmates**  
**(As Established by Statute)**

This chart highlights sentence credit policies listed in state statutes that are applicable to inmates in state prisons. Earned time is defined as a credit against an inmate's sentence or period of incarceration that is earned for participation in or completion of productive activities. Earned time is distinguished from, and can be offered in addition to, "good time" credits that are given to offenders for following prison rules and good behavior.

State	Good Time	Earned Time	Maximum Deduction Available (approximate)
<b>Alabama</b> § 14-9-40 et seq.; § 14-9-3	Up to 75 days per 30 days served based on inmate classification	Thirty days per 12 months for blood donation. Work practices and job responsibilities affect inmate classification.	71%
<b>Alaska</b> § 33.20.010	33% off prison term		33%
<b>Arizona</b> § 41-1604.06 and .07	3 days for every 7 days served for drug possession, 1 day for every 6 days served for other crimes		30%
<b>Arkansas</b> § 12-29-201 et seq.	Up to 30 days per month served based on inmate classification	Director of the Division of Correction may award an amount of meritorious good time sufficient to reduce incarceration time by up to 90 days, not to exceed a total of 360 days, for each successful completion of a (A) GED program; (B) vocational program; (C) drug or alcohol treatment program; or (D) pre-release and other rehabilitative programs or assignments as approved by the Board of Corrections.  Work practices, job responsibilities, and involvement in rehabilitative activities affect inmate classification.	50% plus 360 days

State	Good Time	Earned Time	Maximum Deduction Available (approximate)
<b>California</b> Penal Code § 2933 et seq. and § 2935	Up to six months per six months served based on inmate classification	One to six weeks per 12-month period for completion of rehabilitative programming including academic programs, vocational programs, vocational training, and core programs such as anger management, social life skills, and substance abuse programs.  Two days per 1 day for working at a conservation camp or for working as an inmate firefighter.	More than 50%
<b>Colorado</b> § 17-22.5-405	10 or 12 days per month served based on inmate classification	Up to 12 months for heroic acts in life threatening situations or providing exceptional assistance in maintaining the safety and security of a prison.  Up to 60 days for completion of milestone or phase of an educational, vocational, or therapeutic program or per act of exceptional conduct.	29% plus
<b>Connecticut</b> Gen. Stat. §18-98e		One day per 1 day of working at a disaster site.  Under the Risk Reduction Earned Credit Program, an inmate may earn up to 5 days per month for compliance with accountability plan, participation in eligible programs, good conduct, and obeying institutional rules.	14%
<b>Delaware</b> 11 Del. C. § 4381	2 days per month for first year served and 3 days per month for subsequent years served	Up to 5 days per month for participation in education, work, rehabilitation, or other programs as designated.  For offenders sentenced on or after August 8, 2012, up to 60 days of additional good time may be awarded for successful completion of an approved program designed to reduce recidivism.	Capped at 160 days per year = 44%
<b>Florida</b> § 944.275	10 days per month served for participating in training, working diligently, using time constructively, or other positive activities	Ten days per month; one-time award of 60 days for completion of vocational program or GED or performing an outstanding service.	Capped at 15%
<b>Georgia</b> § 42-5-101		The department may award up to one day of work incentive credits for each day during which the inmate has participated in approved educational or other counseling programs, has satisfactorily performed work tasks assigned by the penal institution, and has complied with satisfactory behavior standards established by the department.	50%

State	Good Time	Earned Time	Maximum Deduction Available (approximate)
Hawaii			No credit
<b>Idaho</b> § 20-101D	Up to 15 days per month for an extraordinary act.		Cannot be reliably calculated.
<b>Illinois</b> 730 ILCS 5/3-6-3	1 day per 1 day or 4.5 days per month served for good conduct	Good time multiplied by 1.5 for participation in educational, substance abuse, behavior modification, life skills, or reentry planning program or correctional industry assignment. Additional 90 days for completion of GED	50% plus
<b>Indiana</b> § 35-50-6-3 et seq.	1 day per 1, 3, or 6 days served based on offense	Up to 6 months for completion of literacy and basic life skills program, 6 months for GED, 1 year for high school diploma, up to 1 year for associate's degree, up to 2 years for bachelor's degree, up to 1 year for career/technical/vocational program, up to 6 months for substance abuse program, 6 months for reformatory program.	Total credit not to exceed 2 years or 33% of sentence, whichever is lesser
<b>Iowa</b> § 903A.2	17.65% of a day per day for good conduct	120% of a day per 1 day of participation in an educational program, a treatment program, or an employment program.	Inmates are either eligible for 17.65% good time or 120% earned time depending on type of sentence, not both
<b>Kansas</b> § 21-6821	15% or 20% of prison term	Up to 120 days of sentence for completion of a GED, technical, or vocational training program, substance abuse program, or any other program that has been shown to reduce an offender's risk after release.	12/10 = 55%
<b>Kentucky</b> § 197.045 and § 197.047	Up to 10 days per month served	Ninety days for completion of GED, high school diploma, college degree, or vocational or technical education program.	25% plus
		Up to 90 days for completion of a drug treatment program, evidence-based program, or other promising practice or life skills program.	
		Up to 7 days per month for outstanding performance related to institutional operations and programs.	
		Up to 7 days per month for exceptional acts of service during an emergency.	
		20% of a day per 8 hours of participation in state or local government work projects or work related to maintenance and operation of a correctional facility.	

State	Good Time	Earned Time	Maximum Deduction Available (approximate)
<b>Louisiana</b> RS 15: § 571.3, RS 15: § 833.1, and RS 15:§ 828	30 days per 30 days, 3 days per 17 days, 13 days per 7 days, or 1 day per 3 days in custody for good behavior and performance of work or self-improvement activities	Up to 360 days for participation in certified treatment and rehabilitation programs. Up to 180 days for participation in work release program. Thirty days per 30 days working on disaster remediation.	50% plus
<b>Maine</b> 17-A MRSA §§ 2307, 2308	Up to 4 or 5 days per month served based on conduct	Up to 3 days per month for complying with transition plan for work, education, or rehab. Up to 2 days per month for community-based work, education, or rehab.	14% plus
<b>Maryland</b> Correctional Services § 3-701 et seq.	5 or 10 days per month served	Five days per month for participation in educational, vocational, or other training courses. Five days per month for satisfactory performance in assigned work tasks. Twenty days per month for participation in special selected work projects or other special programs.	Total credits not to exceed 30 days per month = 50%
<b>Massachusetts</b> 127:§ 29C and § 129D	Up to 2.5 days per month	Up to 7.5 days per month for participation in a GED educational course or other educational course, vocational program, working at a state hospital or state school, work release or prison industry, or participation in any other program deemed valuable to an inmate's rehabilitation. Total credits may not exceed 15 days per month. One-time credit of up to 90 days for program completion, capped at 17.5% of original maximum sentence.	Total credits may not reduce maximum prison term by more than 35%
<b>Michigan</b> § 800.34			No credit Disciplinary time for major misconduct to be submitted for consideration by parole board. A prisoner's minimum sentence, plus disciplinary time, shall not exceed maximum sentence.

State	Good Time	Earned Time	Maximum Deduction Available (approximate)
Minnesota §§ 244.035, 244.04, 244.05			No credit. Time added to prison term for misconduct, frivolous litigation, or non-participation in rehabilitative programming.
Mississippi §47-5-138, §47-5-138.1, and §47-5-142	4.5 days per 30 days served for compliance with good conduct and performance requirements	30 days per month or more may be awarded for participation in educational or instructional programs, work projects, or special incentive programs.	13% plus
Missouri § 558.041 and 14 CSR 10-5.010	1 or 2 months per year for acceptable behavior and appropriate program involvement		17%
Montana			No credit
Nebraska § 83-1,107	6 months per year, plus 3 days per month following a 12-month period of incarceration with no disciplinary infractions		42%

State	Good Time	Earned Time	Maximum Deduction Available (approximate)
<b>Nevada</b> § 209.4465, § 209.448, and § 209.449	20 days per month served with no serious infractions and performing duties assigned	Up to 10 days per month for diligence in labor and studies. Sixty days for GED, 90 days for high school diploma, 120 days for first associate's degree, and up to 90 days for additional degrees. Sixty days for completion of a vocational education and training program. Additional maximum 60 days for meritorious or exceptional achievement in completing the program. Sixty days for completion of alcohol or drug treatment program.	Capped at 58% from minimum term of imprisonment
<b>New Hampshire</b> § 651.2(I)(e), § 651-A:22, and § 651-A:22-a	150 days "disciplinary time" added for each year of term, reduced by commissioner at the rate of 12.5 days per month for good conduct	Up to 10 days per month for participating in a conservation camp, restitution center, reentry program, work release, or other program outside prison. Ninety days for GED, 120 days for high school diploma, 180 days for associate's degree, and 180 days for bachelor's degree. Sixty days for successful completion of vocational programming. One-time 60 day reduction for meaningfully participating in mental health, and/or substance abuse treatment. One-time reduction of 60 days for participating in Family Connections Center programming.	Earned time not to exceed 13 months off sentence
<b>New Jersey</b> § 30:4-92; § 30:4-92a and § 30:4-140	7 days per month up to 16 days per month served, time awarded increases with number of years served for orderly conduct	Compensation for inmates of correctional institutions may be in the form of cash at established inmate wage rates or remission of time from sentence or both. Remission from the time of sentence shall not exceed one day for each five days of productive occupation. Three days per month for the first year employed, and 5 days per month for subsequent years working in honor camps, farms, or details. Commissioner may award time for achievements in education and workforce training on top of other time.	35% plus

State	Good Time	Earned Time	Maximum Deduction Available (approximate)
<b>New Mexico</b> § 33-2-34	Up to 4, 8 or 30 days per month served depending on crime and quality of participation	Three months for a GED, 4 months for an associate's degree, 5 months for a bachelor's degree or graduate qualification completion.  One month for completion of a vocational, substance use, or mental health program.  For a heroic act of saving life or property or extraordinary conduct that demonstrates commitment to rehabilitation – amount earned at discretion of DOC.	Earned time awarded may not exceed 1 year in a 12-month period = 50%
<b>New York</b> Correction §§ 803 - 805	Up to 33% of the maximum term for an indeterminate sentence. Up to 14.3% of a determinate sentence	Total of 14.3%, 16.7%, or 33% of the sentence for completion of a GED, vocational trade certificate, alcohol, and substance use treatment.  Six months for participation in work and treatment and completion of “significant programmatic accomplishment.”	Cannot be reliably calculated
<b>North Carolina</b> Policy and Procedure Chapter B, § 100		Up to 9 days per month “earned time” for participation in full-time work and program activities.  Additional “meritorious time” credits may be granted for exemplary acts or for working under emergency conditions, working overtime, working in inclement weather, for achievements in apprenticeship training, educational or other type programs, and/or for remaining infraction-free for a specified period of time.	23% plus
<b>North Dakota</b> § 12-54.1	5 days per month	Inmates may receive a lump sum or monthly rate of meritorious conduct sentence reduction for outstanding performance or heroic acts or as a special control and security measure.	14% plus
<b>Ohio</b> § 2967.193		One or 5 days per month of participation in an educational, vocational training, substance use treatment, prison industries work, or other constructive program.  Ninety days for completion of specified educational or vocational program or 10% of sentence, whichever is less.	Outside of completion of a specified educational or vocational program, an inmate may earn time for up to 2 programs but total credit cannot exceed 8% of total days of sentence = 18%

State	Good Time	Earned Time	Maximum Deduction Available (approximate)
<b>Oklahoma</b> § 57-138, § 57-138.1, and § 57-65	22, 33, 44, 45, or 60 days per month based on classification level	Ten to 30 days for educational accomplishments; 90 days for completion of GED, 200 days for a bachelor's degree; 100 days for an associate's degree; 80 days for vocational certificate; 70 days for completion of a minimum 4-month alcohol/chemical abuse treatment; ten to 30 days for other programs.  Up to 100 days for meritorious act.	50% plus
<b>Oregon</b> § 421.121	Up to 20% of prison term for appropriate institutional behavior and participation in adult basic skills development program	Three days for each pint of blood donated in first 30 days, up to 5 days for each pint donated during any 60-day period thereafter.  Participation in work, education, and program assignments, and personal hygiene and maintenance of living area affect classification level.	20%
<b>Pennsylvania</b> 61 Pa CSA §§ 4501 – 4512		Under recidivism risk reduction incentive program, eligible inmates (as determined by sentencing court) may receive 25% or 16.7% reduction of minimum sentence for participation in and completion of evidence-based program plan as determined by risk assessments.	25% reduction
<b>Rhode Island</b> § 42-56-24	Up to 10 days per month	Up to 2 days per month for working, up to 5 days per month for programs, up to 30 days for completion of program.	25% plus
<b>South Carolina</b> §§ 24-13-210 to 235	3 or 20 days per month	Up to 1 day for every 2 or 6 days per month for productive duty assignment or participating in academic, vocational, or technical training.	Maximum annual credit for earned time capped at 180 or 72 days

State	Good Time	Earned Time	Maximum Deduction Available (approximate)
South Dakota § 24-5-1	4 months for the first 10 years served and 6 months per year for subsequent years		25% plus
Tennessee § 41-21-236	Up to 8 days per month	Up to 8 days per month of participation in work, educational, or vocational programs. Sixty days for completion of GED, high school diploma, 2 or 4-year college degree or applied sciences program on top of all other credit.	Inmates can earn up to 16 days per month and one 60-day educational completion credit = 35% plus
Texas Gov. Code §§ 498.002 – 498.003		Up to 30 days per 30 days served if the inmate is actively engaged in an agricultural, vocational, or educational endeavor, in an industrial program or other work program, or in a treatment program, unless the department finds that the inmate is not capable of participating in such a program or endeavor.	50%
Utah § 77-27-5.4		Minimum 4 months for completion of one program identified in case action plan. An inmate may earn credit for up to 2 programs. Parole board has discretion to award additional time.	8 months plus
Vermont 28 VSA §§ 811 and 818	5 days per month	Up to 30 days per month for working in a work camp beyond the level normally expected.	14% plus
Virginia § 53.1-191, § 53.1-202 et seq.		An offender who receives post-adjudication treatment in a residential setting for a substance use disorder shall earn a reduction of one day in the minimum and maximum sentence for each day that the offender receives the inpatient treatment.	
Washington § 9.94A.729		Up to 4.5 days per 30 days served for participation and cooperation in programs based on a risk assessment related to successful reentry.	13% plus
West Virginia § 28-5-27	1 day for 1 day served	Additional time may be awarded at agency discretion for assistance in preventing an escape, blood donation to another prisoner, extraordinary service, or sustaining an injury.	33%
		Additional time can be awarded at agency discretion, with approval of governor, for exceptional work or service.	50% plus

State	Good Time	Earned Time	Maximum Deduction Available (approximate)
<b>Wisconsin</b> § 302.43	Local inmates may earn good time in the amount of 25% of term for good behavior		25% of term – local inmates only
<b>Wyoming</b> § 7-13-420 and P&P #1.500	Up to 15 days per month based on inmate attitude, conduct, and behavior	If an inmate has demonstrated an especially proper and helpful attitude, exemplary conduct and behavior, the board may award up to one month of special good time off the minimum sentence for every year in length of the minimum sentence, up to a maximum of one year, in addition to the monthly good time allowance.	33% plus
<b>Federal</b> 18 U.S.C. §§3624(o), 3621	Up to 54 days per year	In awarding sentence credit, the Bureau of Prisons shall consider whether the inmate has earned, or is making satisfactory progress toward earning, a high school diploma or an equivalent degree.  An eligible offender may be granted additional credit of up to one year for completion of a substance abuse program.	12.9% plus

## Conclusion

Maryland's diminution credit system has evolved over time to become a unique and complicated scheme. The system is administered by the Commitment Unit within DOC. The State is in accord with most other states in allowing good conduct credits as well as earned time credits to reduce the length of an inmate's incarceration. Chapter 515, the Justice Reinvestment Act, expanded diminution credit availability such that many State correctional facility inmates may reduce their incarceration time by as much as 50% through good behavior and program participation.

Department of Public Safety and Correctional Services

# Division of Correction

## Case Management Manual

DOC.100.0002



Office of the Commissioner

Issue Date: 7/17/2019

Effective Date: 7/31/2019

*Approved by:*

*Patricia Goins-Johnson*

Patricia Goins-Johnson, Executive Director  
Field Support Services

*J. Michael Zeigler*

J. Michael Zeigler  
Deputy Secretary of Operations

*Authorized by:*

*Wayne Hill*

Wayne Hill  
Commissioner

*Robert L. Green*

Robert L. Green  
Secretary, DPSCS

## FOREWORD

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The case management process is a unique and critical component to the successful operation of the Division of Correction. Case management staff is responsible for developing the course of action by which all program, treatment, and security components of an inmate's case are managed. Case management staff is also responsible for the "plan of action" that provides for participation in programs, job assignments, treatment, and activities for which the inmate qualifies. There is an active and ongoing interaction between inmates and case management specialists. These components are vital to our mission to reduce criminal behavior and improve the quality of life for all Marylanders through diverse programs, services, and community partnerships.

This manual provides the procedures by which case management staff manages its caseloads to best assist inmates in their rehabilitative efforts. This is accomplished by first utilizing available assessment information effectively. With this information, case management staff can provide inmates with appropriate opportunities to facilitate a successful and permanent return to the community.



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Wayne Hill  
DOC Commissioner

## DIMINUTION OF CONFINEMENT

*What types of diminution credit are awarded?*

The four types of diminution credits are:

- (1) Good Conduct Credit (GCC): Awarded in accordance with Correctional Services Article, §3-704, ACM.
- (2) Industrial Credit (IC): Awarded under Correctional Services Article, §3-705, ACM.
- (3) Education Credit (EC): Awarded under Correctional Services Article, §3-706, ACM.
- (4) Special Project Credit (SPC): Awarded under Correctional Services Article, §3-707, AMC, and in accordance with COMAR 12.02.06.04.
  - SPC is awarded for school programs and some job assignments.
  - SPC may also be awarded for double celling for crimes committed prior to 7/1/2007, if all eligibility criteria are met in accordance with COMAR 12.02.06.04.
  - The application of this credit may not exceed the statutory maximum allowed by law for any given month.

*What is my release date? How can I get my release date?*

Your mandatory supervision release date is the latest maximum expiration date of the term of confinement minus the number of diminution credits that you have earned. You may request your release date from your case management specialist once per year, or if there is a significant change in the length of your term of confinement. The current release date is recorded in OCMS.

*Am I eligible to earn 5 or 10 GCC per month?*

Good conduct credit is awarded at the rate of 10 credits per month for a sentence imposed on or after October 1, 1992. However, if the term includes a sentence imposed on or after October 1, 1992 for a crime of violence (as defined in Criminal Law Article, §14-101, Annotated Code of Maryland), or for a sentence imposed for a crime of manufacturing, distributing, dispensing, or possessing a controlled dangerous substance in violation of the Criminal Law Article, §§5-602 through 5-609, §5-612, or §5-613, AMC, good conduct credits are awarded at the rate of five credits per month.

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*Why is the date shown in the column titled “DOC GCC Begins” different from the day that my sentence began?*

In accordance with Maryland Law (§3-704 of the Correctional Services Article), generally, good conduct credit is awarded from the date of sentence is imposed; in many cases this is not the same as the sentence start date. This is the date entered as DOC GCC Begins. Credits earned between the sentence start date and the sentence imposition date shall be certified by the local detention center. If you were serving a sentence in another jurisdiction, good conduct credit will be awarded toward your Maryland sentence from the date you were received into the Division of Correction.

*How are diminution credits calculated and when are they awarded?*

Good conduct credit is awarded in advance over the entire term of confinement when you arrive in the Division. IC, EC, and SPC for program participation and job assignments are automatically awarded on the 8th day of each month for the previous calendar month, based on the program assignment shown on OCMS, if eligible. SPC for housing is awarded after posting of credits for job and program participation.

*Are all offenses eligible to receive diminution credits? NO.*

- A. If the term includes a violent crime, defined in Correctional Services Article §7-101(m), committed on or after October 1, 2009, an offender cannot be conditionally released (through credits) until reaching parole eligibility. See Correctional Services Article, §7-501(b).
- B. Sentences for rape first degree, rape second degree, sex offense first degree, and sex offense second degree committed on or after 10/2/10 with a victim under the age of 16 are prohibited from receiving diminution credits. See Correctional Services Article, §3-702(b), AMC.
- C. Some third degree sex offenses may be prohibited from receiving diminution credits if all criteria are met. See Correctional Services Article, §3-702(C), AMC.

*What if I think there is a problem with the number of credits I have been awarded?*

Diminution credits are awarded based on the number of days you were assigned to a job or program. If you are assigned to a job or program for a partial month, credits are prorated and

awarded for the partial month. If you believe that an error exists in your job or program assignment information, you should first request that case management staff review your record. If you believe that an error exists in the number of credits that were awarded, you may write the commitment office and request that commitment staff review your diminution record. However, you must state specifically where you believe the error has been made.

*What is the maximum number of credits that may be awarded each month and how is this determined?*

In accordance with the Correctional Services Article, Annotated Code of Maryland, if all sentences were imposed before October 1, 1992, the maximum number of credits that may be applied toward the term is fifteen (15) credits per month (the sum total of GCC, IC, EC and SPC). For a term imposed, on or after October 1, 1992, or for a period of the term that is represented by sentences imposed on, or after October 1, 1992, the maximum number of credits that may be awarded is twenty (20) credits per month (the sum total of GCC, IC, EC, and SPC). For a term imposed on or after October 1, 2017, or for a period of the term that is represented by sentences imposed on, or after October 1, 2017, the maximum number of credits that may be awarded is thirty (30) credits per month (the sum total of GCC, IC, EC, and SPC)

*If my parole or mandatory supervision release is revoked, can I keep my old diminution credits?*

Parolees whose crimes were committed on or after 10/1/1996 and commit a new crime while on parole and receive a new sentence (even one day) may not keep their credits. See CSA §3-711. Parolees who do not meet the criteria listed above may keep their old credits. Credits for mandatory supervision release violators (MSRV) may be rescinded by the Maryland Parole Commission (MPC). Credits not rescinded may be kept unless the crime was committed on or after 6/1/2002 and or 10/2/2003.

Mandatory supervision release violators whose crimes were committed on or after 6/1/2002 and or after 10/1/2003 may be subject to rescission of any credits allowed by MPC. See ACM CSA §7-502.

*If my parole or mandatory supervision release is revoked, can I still earn diminution credits?*

If you were sentenced for offenses committed on, or after July 1, 1989, released to mandatory supervision and your supervision is later revoked by the Maryland Parole Commission, in accordance with Correctional Services Article §7-504, Annotated Code of Maryland, you may not earn new credits toward the term on which you were released. You may earn credits toward a new sentence.

If parole is revoked, you may begin to earn new credits after parole is revoked. If you are also serving a new sentence, you may earn credits toward the new sentence.

### **INMATE NAME CHANGES**

When received into the Division of Correction, the inmate is identified through the OCMS database by the name listed on the court commitment. The inmate is issued an ID card – an identification card with the inmate's committed name. Should an inmate be serving multiple commitments under different names, the name on the commitment with the earliest sentence imposition date shall be the name listed in the OCMS database and inmate identification card. All other names an inmate is sentenced under, or wishes to be known as shall only be listed as aliases. The inmate may apply for a new ID that includes an alias name by completing the *Request for Inmate Name Change*, Appendix 1 to CMM - 04. The inmate shall be responsible for the cost of the new ID. The inmate may use alias names to conduct personal business that is sending and receiving funds, mailing, etc., and purchasing commissary items. The inmate may pursue a court order for a legal change of name. However, the new name shall be listed in the Division's records as an alias. For an inmate's committed name to be changed, the sentencing judge must issue an amended commitment showing the new name.

All requests for an inmate to declare an alias name are subject to the managing official's approval. If approved, the inmate shall be issued a new identification card and shall be responsible for the expense. The alias name shall be listed on the OCMS Alerts screen by case management utilizing the drop-down menu and selecting "Name Change."

# APPENDIX

## E

**Subject:** Re: Daniel Beckwitt 473-932  
**Date:** Wednesday, May 25, 2022 at 9:03:11 PM Eastern Daylight Time  
**From:** Robert C. Bonsib  
**To:** Jodie Stouffer  
**CC:** David Blumberg -DPSCS-, Michelle -Dpscs-, Megan E. Coleman  
**Attachments:** 133838C - State v. Beckwitt - Signed Probation Contract.pdf, COA Opinion - Beckwitt.pdf, COSA Opinion - Beckwitt.pdf, Email from Chambers 5-25-22.pdf

Ms. Stouffer – after a review of your email – I believe that your calculations are based upon an inaccurate understanding of the history of Mr. Beckwitt’s case

While Mr. Beckwitt was originally sentenced based upon a jury verdict of second-degree murder – that conviction was reversed by the Maryland Court of Special Appeals and that decision was affirmed by the Maryland Court of Appeals – and that was based upon a finding that there was insufficient evidence to support the second-degree murder conviction. I have attached copies of both of those appellate opinions. The Court of Appeals ordered a resentencing..

At the March 29, 2022 re-sentencing hearing Mr. Beckwitt was sentenced to 5 years on the involuntary manslaughter conviction with credit back to the day he was detained after the jury verdict for a total of 35 months and 16 days – a verdict of not guilty was entered for the second-degree murder conviction. As a result – his good time should be calculated from the date of his original sentencing on the basis of the involuntary manslaughter conviction – he was never validly convicted of second-degree murder and therefore was entitled to good time credit based upon the conviction of involuntary manslaughter which should entitle him to 10 days of good time credit from the date of his original incarceration. The Court’s Probation Order (attached reflects that) – and I have also attached a copy of an email from the Judge’s Chamber’s further explaining what occurred in this matter.

I understand this is a somewhat unusual and complicated history – but I believe Mr. Beckwitt is entitled to his immediate release and any further incarceration is unlawful based upon the sentence imposed for the non-violent offense of involuntary manslaughter.

Please let me know your thoughts regarding this additional information

Bob

*Robert C. Bonsib*  
MarcusBonsib LLC  
6411 Ivy Lane, Suite 116  
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301-509-5100 cell  
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301-441-3003 fax  
<https://www.robertbonsib.com/> (website)  
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Fellow, American College of Trial Lawyers  
Washingtonian Magazine – “Top Lawyers”

Super Lawyers – Top 10 Lawyers in Maryland; Top 100 Lawyers in DC  
“Best Lawyers in America” – White-collar Criminal Defense & General Criminal Defense  
Blog – discussing current criminal issues - <https://www.robertbonsib.com/blog/>  
45 years of representing individuals & organization in criminal matters in federal and state trial and appellate courts.

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**From:** Jodie Stouffer <jodie.stouffer@maryland.gov>  
**Date:** Friday, May 20, 2022 at 3:18 PM  
**To:** Robert Bonsib <robertbonsib@marcusbonsib.com>  
**Cc:** David Blumberg -DPSCS- <david.blumberg@maryland.gov>, Michelle -Dpscs- <michelle.fowler@maryland.gov>, Megan Coleman <megancoleman@marcusbonsib.com>  
**Subject:** Daniel Beckwitt 473-932 - URGENT REQUEST FOR ACTION

Good afternoon, Mr. Bonsib,

Thank you for your inquiry, and I apologize for the delay in my response.

Credits have been awarded as follows:

For the pretrial period 4/18/2019 to 6/17/2019, awarded 10 good conduct credits by the Montgomery County Detention Center.

For the period 6/17/2019 to 2/14/2022, awarded 159 good conduct credits from the date he was previously sentenced to DOC for Murder 2nd degree, to the date he was released to the Detention Center. He was not sentenced during this period for Involuntary Manslaughter. The rate of good conduct credit is 5 credits for each calendar month, prorated for partial months.

On 2/14/2022, he was released from the DOC to the Montgomery County Detention Center.

At the time of release, he had accrued 159 good conduct credits, 158 industrial, and 28 special project credits.

For the period 2/14/2022 to 3/29/2022, awarded 7 good conduct credits by the Montgomery County Detention Center.

On 3/29/2022, he was sentenced to the DOC for Involuntary Manslaughter to serve five years from 4/13/2019. The expiration date is 4/13/2024. Good conduct credit is awarded from the date sentenced to the date the term expires.

For the period 3/29/2022 to 4/13/2024, awarded 244 good conduct credits, at the rate of 10 credits for each calendar month, prorated for partial months.

As of 4/30/2022, he has earned 2 industrial credits.

Total  
10 Local GCC  
159 DOC GCC  
158 Industrial  
28 Special Project  
7 Local GCC  
244 DOC GCC  
2 Industrial  
608 Total

4/13/2024  
- 608  
8/14/2022

I hope this is helpful in clarifying the awarding of credits. If you have additional questions, please feel free to reach me on 443 468 9204. Our office phones are out of service as a result of a recent lightning strike.



**Jodie Stouffer**  
Director, Commitment Services  
Division of Correction Headquarters  
[jodie.stouffer@maryland.gov](mailto:jodie.stouffer@maryland.gov)  
[Website](#) | [Facebook](#) | [Twitter](#)

On Tue, May 17, 2022 at 11:29 AM Robert C. Bonsib <[robertbonsib@marcusbonsib.com](mailto:robertbonsib@marcusbonsib.com)> wrote:

Ms. Stouffer – I haven't heard anything back re this matter.

Can you advise the status of this matter

Thanks

Bob



CIRCUIT COURT  DISTRICT COURT OF MARYLAND FOR Montgomery County

City/County

Located at 50 Maryland Ave., Rockville, MD 20850 Case No. 133838C  
Court Address

STATE OF MARYLAND

vs.

Daniel Beckwitt

Defendant

SID No.: \_\_\_\_\_

Tracking No.: \_\_\_\_\_

Other Reference No.: \_\_\_\_\_

(IF AVAILABLE, PLACE LABEL HERE OR  
AT TOP OF PAGE.)

Convicted Count(s): Ct. 2: Involuntary Manslaughter

Sentence: Ct. 2: 10Y SAB 5Y, Credit for 35 Months 16 days of time served; 5Y Supervised Probation

Part of Sentence Executed: 5Y Suspended: 5Y

Balance of sentence suspended upon admission  
to treatment pursuant to HG § 8-507

Credit for Time Served: 35 Months 16 Days Length of Probation: 5Y mo/yr(s)

Participate and pay for psychological counseling

### PROBATION/SUPERVISION ORDER

Probation Before Judgment (Criminal Procedure Article, § 6-220)

IT IS ORDERED THAT the above named defendant:

Be Supervised by Parole and Probation.

Be Supervised by Sexual Offender Management Team.

Be Supervised by Alternative Community Service: \_\_\_\_\_

Be Unsupervised.

**Probation Contact:**

Stella Mbadugha  
301-563-8715  
stella.mbadugha@  
maryland.gov

Probation begins  on upon release \_\_\_\_\_  upon admission to residential substance abuse program.  
Date \_\_\_\_\_

Your first appointment with the supervising agency is upon release \_\_\_\_\_ and the place to report to is  
191 E. Jefferson St., Rm. 127, Rockville, MD \_\_\_\_\_. Your failure to report could result in your arrest.

A. Standard Conditions (1-10):  All Standard Conditions  All Standard Conditions except Nos.

1. Report as directed and follow your supervising agent's lawful instructions.
2. Work and/or attend school regularly as directed and provide verification to your supervising agent.
3. Get permission from your supervising agent before changing your home address, changing your job, and/or leaving Maryland. Additional Comments: DC, Maryland, and Virginia
4. Obey all laws.
5. Notify your supervising agent at once if charged with a criminal offense, including jailable traffic offenses.  
Additional Comments: \_\_\_\_\_
6. Get permission from the court before owning, possessing, using, or having under your control any dangerous weapon or firearm of any description. Additional Comments: \_\_\_\_\_
7. Permit your supervising agent to visit your home.
8. Do not illegally possess, use, or sell any narcotic drug, controlled substance, counterfeit substance, or related paraphernalia. Additional Comments: \_\_\_\_\_
9. Appear in court when notified to do so.

10. Pay all fines, costs, restitution, and fees as ordered by the court or as directed by your supervising agent through a payment schedule.
- Fine(s) of \$ \_\_\_\_\_ paid through  Parole and Probation  Clerk's Office  Sheriff's Office
- Court costs of \$ w/in 120 Days \_\_\_\_\_ paid through  Parole and Probation  Clerk's Office
- Supervision fee of \$50/month paid through Parole and Probation  Supervision fee waived
- Restitution of \$ \_\_\_\_\_ to \_\_\_\_\_  
paid through  Parole and Probation  State's Attorney's Office by \_\_\_\_\_ Date \_\_\_\_\_
- Public Defender fees of \$ \_\_\_\_\_ to the Office of the Public Defender for counsel fees.
- Pay the following fees through Parole and Probation or \_\_\_\_\_:
- Victims of Crime Fund \$ \_\_\_\_\_
- CICF costs \$ \_\_\_\_\_
- Other costs (Specify) \$ \_\_\_\_\_
- The Division of Parole and Probation is hereby granted the discretion to refer the collection of funds it is authorized to collect to the State's Central Collection Unit without the need of further court approval.
- B. Special Conditions (11-35):
11.  Provide DNA sample as required by law by \_\_\_\_\_ Date \_\_\_\_\_
12.  Submit to evaluation and attend and successfully complete mental health treatment as directed by your supervising agent.
13.  Submit to, successfully complete, and pay required costs for evaluation, testing and treatment education as directed by your supervising agent.
14.  Attend and successfully complete  alcohol  drug  alcohol and drug treatment  education program \_\_\_\_\_ Name of Program \_\_\_\_\_
15.  Enroll in, pay any required costs for, and successfully complete treatment at \_\_\_\_\_
16.  Attend and successfully complete parenting class.
17.  Attend \_\_\_\_\_ self-help group meetings per week for \_\_\_\_\_ weeks.  Attendance may be modified by your supervising agent after \_\_\_\_\_ weeks.
18.  Totally abstain from alcohol, illegal substances, and abusive use of any prescription drug.
19.  Apply for alcohol restriction on driver's license within 10 days of trial date for \_\_\_\_\_ year(s)/month(s).
20.  Refrain from driving and/or attempting to drive after consuming alcohol.
21.  Attend Victim Impact Panel meetings when notified.
22.  Attend and successfully complete MVA Driver Improvement Program.
23.  Attend and successfully complete MVA Alcohol Education Program. (Social Drinkers Only)
24.  Have Ignition Interlock installed for \_\_\_\_\_ months and pay costs.  Employment vehicle exempted.

25.  Complete 250 hours of community service by \_\_\_\_\_ under the direction of parole and probation \_\_\_\_\_ Date \_\_\_\_\_ and pay required fees.
26.  Attend and successfully complete domestic violence counseling at \_\_\_\_\_ by \_\_\_\_\_ and pay required costs.
27.  Have no contact with victim, witnesses, and participants in P33838C, except for Defendant's counsel \_\_\_\_\_
28.  Do not enter or be found near \_\_\_\_\_
29.  Home confinement/detention to \_\_\_\_\_ for \_\_\_\_\_ months.  
 Special conditions (e.g. doctor's appointments, attending classes, etc.) \_\_\_\_\_
30.  Register as sexual offender with the supervising authority under the provisions of Criminal Procedure Article, Title 11, Subtitle 7:  
 (1) A Tier I Sex Offender;  
 (2) A Tier II Sex Offender;  
 (3) A Tier III Sex Offender;  
 (4) A sexually violent predator;  
 (5) A Tier I Sex Offender who, before moving into this State, was required to register in another State;  
 (6) A Tier II Sex Offender, Tier III Sex Offender, or sexually violent predator who, before moving into this State, was required to register in another State;  
 (7) A Tier I, Tier II, Tier III Sex Offender, or a Sex Offender who is required to register in another State, jurisdiction, a federal, military, or tribal court, or a foreign government, who is not a resident of this State, and who enters this State:  
 (i) To reside or habitually live.  
 (ii) To carry on employment or vocation that is full-time or part-time for a period exceeding 14 days or for an aggregate period exceeding 30 days during a calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit; or  
 (iii) To attend a public or private educational institution, including a secondary school, trade or professional institution, or institution of higher education, as a full-time or part-time student.  
 (iv) As a transient with the intent to be in the State for a period exceeding 14 days or an aggregate period exceeding 30 days during the calendar year.
31.  Defendant shall keep appointment for HG § 8-505 evaluation and shall immediately enter the recommended program upon admission.  
 Defendant shall enter treatment program immediately upon admission.  
 Defendant shall successfully complete treatment program and comply with terms of aftercare plan.
32.  To be supervised by means of  electronic monitoring  electronic monitoring with victim stay-away alert technology.
33.  Other Defendant may not access personal finance/banking accounts, med. inf./rec. of all the victims, witnesses, participants

C. 34.  Comply with special conditions of lifetime supervision - see form CC-DC-CR-136.

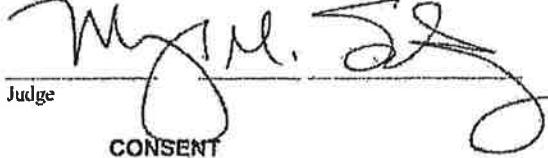
D. Recommendations to the supervising agency:

35.  Transfer supervision to \_\_\_\_\_, Maryland.

03/29/2022

Date

Judge

  
CONSENT

685

ID Number

I have read, or have had read to me, the above conditions of probation. I understand these conditions and agree to follow them. I understand that if I do not follow these conditions, I could be returned to court charged with a violation of probation.

If I fail to abide by the above conditions, the court could enter judgment against me and proceed with disposition as if I had not been placed under probation. I have been notified and understand that by consenting to and receiving a stay of judgment under Criminal Procedure Article, § 6-220, I waive my right to appeal from a judgment of guilty by the court in this case.

I understand that my failure to pay fines, costs, and fees may result in my case being referred to the State's Central Collection Unit, resulting in an additional collection fee as permitted by law without further approval of the court.

I understand that Parole and Probation may impose Graduated Sanctions upon me for any technical violation of the above conditions of probation, as authorized pursuant to Correctional Services Article, §§ 6-111 and 6-121.

03/29/2022

Date

04/26/1991

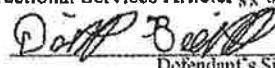
Date of Birth

Telephone Number

Cell Phone Number

E-mail

Because defendant is incarcerated, he has no phone number - and can be reached through attorney Robert Bonisib 301-441-3000.

  
Defendant's Signature

22880 Whelan Lane

Address

Boyds, MD 20841

City, State, Zip

  
Witness Signature

  
Printed Name