

SENATE BILL 581

E4

4lr2312

By: **Senators Shank and Jacobs**

Introduced and read first time: January 30, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Diminution Credits – Sentence of 30 Days or Less**

3 FOR the purpose of prohibiting the earning of diminution credits to reduce the term of
4 confinement of an inmate committed to the custody of the Department of Public
5 Safety and Correctional Services or sentenced to a term of imprisonment in a
6 local correctional facility who is serving a sentence of 30 days or less; providing
7 for the application of this Act; and generally relating to the earning of
8 diminution credits.

9 BY repealing and reenacting, with amendments,
10 Article – Correctional Services
11 Section 3–702 and 11–502
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2013 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Correctional Services**

17 3–702.

18 (a) Subject to subsections (b) [and], (c), **AND (D)** of this section, § 3–711 of
19 this subtitle, and Title 7, Subtitle 5 of this article, an inmate committed to the custody
20 of the [Commissioner] **DEPARTMENT** is entitled to a diminution of the inmate’s term
21 of confinement as provided under this subtitle.

22 (b) An inmate who is serving a sentence for a violation of § 3–303, § 3–304, §
23 3–305, or § 3–306 of the Criminal Law Article involving a victim who is a child under

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the age of 16 years is not entitled to a diminution of the inmate's term of confinement
2 as provided under this subtitle.

3 (c) An inmate who is serving a sentence for a violation of § 3-307 of the
4 Criminal Law Article involving a victim who is a child under the age of 16 years is not
5 entitled to a diminution of the inmate's term of confinement as provided under this
6 subtitle, if the inmate was previously convicted of a violation of § 3-307 of the
7 Criminal Law Article involving a victim who is a child under the age of 16 years.

8 **(D) AN INMATE WHO IS SERVING A SENTENCE OF 30 DAYS OR LESS IS**
9 **NOT ENTITLED TO A DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT AS**
10 **PROVIDED UNDER THIS SUBTITLE.**

11 11-502.

12 (a) Except as provided in subsections (b) [and], (c), **AND (D)** of this section,
13 an inmate who has been sentenced to a term of imprisonment shall be allowed
14 deductions from the inmate's term of confinement as provided under this subtitle for
15 any period of presentence or postsentence confinement in a local correctional facility.

16 (b) (1) An inmate who is serving a sentence for a violation of § 3-303, §
17 3-304, § 3-305, or § 3-306 of the Criminal Law Article involving a victim who is a
18 child under the age of 16 years may not be allowed deductions from the inmate's term
19 of confinement as provided under this subtitle for any period of presentence or
20 postsentence confinement in a local correctional facility.

21 (2) This subsection may not be construed to require an inmate to serve
22 a longer sentence of confinement than is authorized by the statute under which the
23 inmate was convicted.

24 (c) (1) An inmate who is serving a sentence for a violation of § 3-307 of
25 the Criminal Law Article involving a victim who is a child under the age of 16 years,
26 who has previously been convicted of violating § 3-307 of the Criminal Law Article
27 involving a victim who is a child under the age of 16 years, may not be allowed
28 deductions from the inmate's term of confinement as provided under this subtitle for
29 any period of presentence or postsentence confinement in a local correctional facility.

30 (2) This subsection may not be construed to require an inmate to serve
31 a longer sentence of confinement than is authorized by the statute under which the
32 inmate was convicted.

33 **(D) (1) AN INMATE WHO IS SERVING A SENTENCE OF 30 DAYS OR LESS**
34 **MAY NOT BE ALLOWED DEDUCTIONS FROM THE INMATE'S TERM OF**
35 **CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE FOR ANY PERIOD OF**
36 **PRESENTENCE OR POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL**
37 **FACILITY.**

1 **(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE AN**
2 **INMATE TO SERVE A LONGER SENTENCE OF CONFINEMENT THAN IS**
3 **AUTHORIZED BY THE STATUTE UNDER WHICH THE INMATE WAS CONVICTED.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
5 construed to apply only prospectively and may not be applied or interpreted to have
6 any effect on or application to any inmate who committed an offense before the
7 effective date of this Act.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2014.