

HOUSE BILL 1265

E2
HB 764/19 – JUD

0lr1265

By: **Delegates McComas, Buckel, Chisholm, Ciliberti, Corderman, Cox, Grammer, Hartman, Hornberger, Kipke, Krebs, Malone, Mangione, Saab, Shoemaker, Szeliga, and Wivell**

Introduced and read first time: February 7, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Murder – Diminution Credits**

3 FOR the purpose of prohibiting the earning of diminution credits to reduce the term of
4 confinement of an inmate who is serving a sentence for murder in the first degree or
5 murder in the second degree in a State or local correctional facility; providing for the
6 application of this Act; and generally relating to diminution credits.

7 BY repealing and reenacting, with amendments,

8 Article – Correctional Services

9 Section 3–702 and 11–502

10 Annotated Code of Maryland

11 (2017 Replacement Volume and 2019 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

13 That the Laws of Maryland read as follows:

14 **Article – Correctional Services**

15 3–702.

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

20 (b) An inmate who is serving a sentence for a violation of § 3–303 or § 3–304 of
21 the Criminal Law Article involving a victim who is a child under the age of 16 years, or an
22 inmate who is serving a sentence for a violation of § 3–305 or § 3–306 of the Criminal Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article, as the sections existed before October 1, 2017, involving a victim who is a child
2 under the age of 16 years, is not entitled to a diminution of the inmate's term of confinement
3 as provided under this subtitle.

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

9 **(D) AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION OF § 2-201**
10 **OR § 2-204 OF THE CRIMINAL LAW ARTICLE IS NOT ENTITLED TO A DIMINUTION OF**
11 **THE INMATE'S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE.**

12 11-502.

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

17 (b) (1) An inmate who is serving a sentence for a violation of § 3-303 or §
18 3-304 of the Criminal Law Article involving a victim who is a child under the age of 16
19 years, or an inmate who is serving a sentence for a violation of § 3-305 or § 3-306 of the
20 Criminal Law Article, as the sections existed before October 1, 2017, involving a victim who
21 is a child under the age of 16 years, may not be allowed deductions from the inmate's term
22 of confinement as provided under this subtitle for any period of presentence or postsentence
23 confinement in a local correctional facility.

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

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

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

36 **(D) (1) AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION OF §**
37 **2-201 OR § 2-204 OF THE CRIMINAL LAW ARTICLE MAY NOT BE ALLOWED**

1 DEDUCTIONS FROM THE INMATE'S TERM OF CONFINEMENT AS PROVIDED UNDER
2 THIS SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR POSTSENTENCE
3 CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY.

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

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

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2020.