

HOUSE BILL 89

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(PRE-FILED)

11r0921
CF SB 397

By: **Delegate Wilkins**

Requested: October 12, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 9, 2021

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Diminution Credits – Education**

3 FOR the purpose of awarding a diminution credit to reduce the term of confinement of an
4 inmate if the inmate successfully obtains a certain educational certificate, diploma,
5 or degree; establishing the diminution credit that may be awarded to certain
6 inmates; requiring the Commissioner of Correction to establish a uniform system of
7 deductions and participation criteria for awarding a certain diminution credit;
8 establishing a certain exception to a certain maximum deduction that may be earned
9 by an inmate; providing for the application of this Act; and generally relating to
10 diminution credits.

11 BY adding to
12 Article – Correctional Services
13 Section 3–706.1
14 Annotated Code of Maryland
15 (2017 Replacement Volume and 2020 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Correctional Services
18 Section 3–708
19 Annotated Code of Maryland
20 (2017 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Correctional Services**

4 **3–706.1.**

5 (A) IN ADDITION TO ANY OTHER DEDUCTIONS ALLOWED UNDER THIS
6 SUBTITLE, AS AN INCENTIVE TO REDUCE A TERM OF INCARCERATION, AN INMATE
7 MAY BE ALLOWED A DEDUCTION ~~IN ADVANCE~~ FROM THE INMATE'S TERM OF
8 CONFINEMENT IF THE INMATE SUCCESSFULLY OBTAINS:

9 (1) AN INTERMEDIATE HIGH ACADEMIC CERTIFICATE;

10 (2) NOT MORE THAN ONE CERTIFICATE OF COMPLETION OF A
11 TECHNICAL OR VOCATIONAL TRAINING PROGRAM THAT REQUIRED AT LEAST 600
12 HOURS OF COURSEWORK AND IS APPROVED BY THE SECRETARY OF LABOR AND THE
13 COMMISSIONER;

14 (3) A STATE HIGH SCHOOL DIPLOMA BY EXAMINATION UNDER §
15 11–808 OF THE LABOR AND EMPLOYMENT ARTICLE;

16 (4) A HIGH SCHOOL DIPLOMA;

17 (5) ~~AN~~ NOT MORE THAN ONE ASSOCIATE DEGREE; OR

18 (6) ~~A~~ NOT MORE THAN ONE BACHELOR'S DEGREE.

19 (B) (1) ~~THE~~ EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS
20 SUBSECTION, THE DEDUCTION ALLOWED UNDER SUBSECTION (A) OF THIS SECTION
21 SHALL BE ~~90~~ 60 DAYS PER PROGRAM COMPLETED.

22 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
23 FOR AN INMATE WHO IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE, AS
24 DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE, THE DEDUCTION ALLOWED
25 UNDER SUBSECTION (A) OF THIS SECTION SHALL BE 40 DAYS PER PROGRAM
26 COMPLETED.

27 (3) AN INMATE WHO IS SERVING A SENTENCE FOR MURDER IN THE
28 FIRST DEGREE OR A SEXUAL OFFENSE FOR WHICH REGISTRATION UNDER TITLE 11,
29 SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE IS REQUIRED IS NOT
30 ENTITLED TO A DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT AS
31 PROVIDED UNDER THIS SECTION.

1 ~~(2)~~ **(4)** THE DEDUCTION ALLOWED UNDER THIS SUBSECTION
2 SHALL BE IN ADDITION TO ANY OTHER DEDUCTION AWARDED UNDER THIS
3 SUBTITLE.

4 **(C)** THE COMMISSIONER SHALL ESTABLISH A UNIFORM SYSTEM OF
5 DEDUCTIONS AND PARTICIPATION CRITERIA ALLOWED UNDER SUBSECTION (A) OF
6 THIS SECTION.

7 3-708.

8 [Notwithstanding] **EXCEPT AS PROVIDED IN § 3-706.1 OF THIS SUBTITLE, AND**
9 **NOTWITHSTANDING** any other provision of this subtitle, an inmate may not be allowed a
10 deduction under this subtitle of more than:

11 (1) 20 days for a calendar month for an inmate described in § 3-707(a)(2)
12 of this subtitle; and

13 (2) 30 days for a calendar month for all other inmates.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
15 apply only prospectively and may not be applied or interpreted to have any effect on or
16 application to any award of diminution credit before the effective date of this Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.