

(PRE-FILED)

By: **Delegate Hubbard**

Requested: October 12, 2004

Introduced and read first time: January 12, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Sentencing - Credit for Time Spent in Custody of**
3 **Correctional Facility**

4 FOR the purpose of specifying that correctional facilities, as to which a certain
5 defendant may receive credit for time spent in custody, are limited to certain
6 State correctional facilities and certain local correctional facilities; and generally
7 relating to sentencing of criminal defendants.

8 BY repealing and reenacting, without amendments,
9 Article - Correctional Services
10 Section 1-101(d), (j), and (o)
11 Annotated Code of Maryland
12 (1999 Volume and 2004 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article - Criminal Procedure
15 Section 1-101(c), (h), and (o)
16 Annotated Code of Maryland
17 (2001 Volume and 2004 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Criminal Procedure
20 Section 6-218(b)
21 Annotated Code of Maryland
22 (2001 Volume and 2004 Supplement)

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

1

Article - Correctional Services

2 1-101.

3 (d) "Correctional facility" means a facility that is operated for the purpose of
4 detaining or confining adults who are charged with or found guilty of a crime.

5 (j) "Local correctional facility" means a correctional facility that is operated:

6 (1) by one or more counties; or

7 (2) by a municipal corporation.

8 (o) (1) "State correctional facility" means a correctional facility that is
9 operated by the State.

10 (2) "State correctional facility" includes:

11 (i) the Patuxent Institution;

12 (ii) the Baltimore City Detention Center; and

13 (iii) the centralized booking facility in Baltimore City that is
14 operated by the Division of Pretrial Detention and Services in the Department of
15 Public Safety and Correctional Services.

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Article - Criminal Procedure

17 1-101.

18 (c) "Correctional facility" has the meaning stated in § 1-101 of the
19 Correctional Services Article.

20 (h) "Local correctional facility" has the meaning stated in § 1-101 of the
21 Correctional Services Article.

22 (o) "State correctional facility" has the meaning stated in § 1-101 of the
23 Correctional Services Article.

24 6-218.

25 (b) (1) A defendant who is convicted and sentenced shall receive credit
26 against and a reduction of the term of a definite or life sentence, or the minimum and
27 maximum terms of an indeterminate sentence, for all time spent in the custody of a
28 STATE correctional facility, LOCAL CORRECTIONAL FACILITY, hospital, facility for
29 persons with mental disorders, or other unit because of:

30 (i) the charge for which the sentence is imposed; or

31 (ii) the conduct on which the charge is based.

1 (2) If a defendant is in custody because of a charge that results in a
2 dismissal or acquittal, the time that would have been credited if a sentence had been
3 imposed shall be credited against any sentence that is based on a charge for which a
4 warrant or commitment was filed during that custody.

5 (3) In a case other than a case described in paragraph (2) of this
6 subsection, the sentencing court may apply credit against a sentence for time spent in
7 custody for another charge or crime.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2005.