

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Bill 57  
Judiciary

(Delegate Hubbard)

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

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This bill limits credit against, or a reduction of a sentence given for, time spent in the custody of a correctional facility to that time spent only in a correctional facility in Maryland.

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Fiscal Summary

**State Effect:** None. Because the issue addressed by this bill occurs infrequently, the bill would not measurably affect sentencing practices or State correctional costs. Revenues would also not be affected.

**Local Effect:** None. Because the issue addressed by this bill occurs infrequently, the bill would not measurably affect sentencing practices or local correctional costs. Local revenues would also not be affected.

**Small Business Effect:** None.

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Analysis

**Current Law:** For purposes of both the Correctional Services Article and the Criminal Procedure Article, the pertinent terms addressed by this bill are defined as follows:

- “Correctional facility” means a facility that is operated for the purpose of detaining or confining adults who are charged with or found guilty of a crime.

- “Local correctional facility” means a correctional facility that is operated by one or more counties or by a municipal corporation.
- “State correctional facility” means a correctional facility that is operated by the State of Maryland, and includes: the Patuxent Institution; the Baltimore City Detention Center; and the centralized booking facility in Baltimore City that is operated by the Division of Pretrial Detention and Services in the Department of Public Safety and Correctional Services.

A defendant who is convicted and sentenced is required to receive credit against and a reduction of the term of a definite or life sentence, or the minimum and maximum terms of an indeterminate sentence, for all time spent in the custody of a “correctional facility,” hospital, facility for persons with mental disorders, or other unit because of the charge for which the sentence is imposed or the conduct on which the charge is based.

If a defendant is in custody because of a charge that results in a dismissal or acquittal, the time that would have been credited if a sentence had been imposed must be credited against any sentence that is based on a charge for which a warrant or commitment was filed during that custody. In a case other than such a case, the sentencing court may apply credit against a sentence for time spent in custody for another charge or crime.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Prince George’s County, Dorchester County, Department of Public Safety and Correctional Services, Maryland Commission on Criminal Sentencing Policy, Maryland State’s Attorneys Association, Department of Legislative Services

**Fiscal Note History:** First Reader - January 18, 2005  
mam/jr

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