

HOUSE BILL 1084

E4
HB 252/08 – JUD

9lr2424

By: **Delegates O'Donnell and Shank**

Introduced and read first time: February 13, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Protection from Predators Act**

3 FOR the purpose of prohibiting the earning of diminution credits to reduce the term of
4 confinement of a certain offender or child sexual offender committed to the
5 custody of the Commissioner of Correction or sentenced to a term of
6 imprisonment in a local correctional facility; providing for the construction of
7 certain provisions of this Act; providing for the application of this Act; and
8 generally relating to the earning of diminution credits by offenders and child
9 sexual offenders.

10 BY repealing and reenacting, with amendments,
11 Article – Correctional Services
12 Section 3–702 and 11–502
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2008 Supplement)

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

17 **Article – Correctional Services**

18 3–702.

19 (A) Subject to **SUBSECTION (B) OF THIS SECTION**, § 3–711 of this [subtitle]
20 **SUBTITLE**, and Title 7, Subtitle 5 of this article, an inmate committed to the custody
21 of the Commissioner is entitled to a diminution of the inmate's term of confinement as
22 provided under this subtitle.

23 (B) **AN INMATE WHO IS AN OFFENDER OR A CHILD SEXUAL OFFENDER,**
24 **AS DEFINED IN § 11–701 OF THE CRIMINAL PROCEDURE ARTICLE, IS NOT**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 ENTITLED TO A DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT AS
2 PROVIDED UNDER THIS SUBTITLE.

3 11-502.

4 (A) [An] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,
5 AN inmate who has been sentenced to a term of imprisonment shall be allowed
6 deductions from the inmate's term of confinement as provided under this subtitle for
7 any period of presentence or postsentence confinement in a local correctional facility.

8 (B) (1) AN INMATE WHO IS AN OFFENDER OR A CHILD SEXUAL
9 OFFENDER, AS DEFINED IN § 11-701 OF THE CRIMINAL PROCEDURE ARTICLE,
10 MAY NOT BE ALLOWED DEDUCTIONS FROM THE INMATE'S TERM OF
11 CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE FOR ANY PERIOD OF
12 PRESENTENCE OR POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL
13 FACILITY.

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

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

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2009.