

# HOUSE BILL 490

E4  
HB 1084/09 – JUD

0lr1875

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By: **Delegates O'Donnell, Ali, Anderson, Aumann, Barkley, Barnes, Bartlett, Bates, Beidle, Beitzel, Bohanan, Boteler, Burns, Cane, Carter, G. Clagett, Conaway, Conway, Costa, DeBoy, Donoghue, Dwyer, Eckardt, Elliott, Elmore, Feldman, Frank, Frush, George, Glenn, Haddaway, Harrison, Healey, Hecht, Impallaria, James, Jameson, Jenkins, Jennings, Kach, Kaiser, Kelly, King, Kipke, Kramer, Krebs, Krysiak, Kullen, Levy, Love, Malone, Manno, Mathias, McComas, McConkey, McDonough, Miller, Minnick, Montgomery, Morhaim, Murphy, Myers, Nathan–Pulliam, Niemann, Norman, Oaks, Olszewski, Pena–Melnyk, Ramirez, Reznik, Riley, Robinson, Rudolph, Schuh, Serafini, Shank, Shewell, Smigiel, Sophocleus, Sossi, Stein, Stifler, Stocksdale, Stukes, Stull, Tarrant, Taylor, F. Turner, Vaughn, Weir, and Wood**

Introduced and read first time: February 1, 2010  
Assigned to: Judiciary

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## 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 2009 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 **Article – Correctional Services**

2 3–702.

3 **(A)** Subject to **SUBSECTION (B) OF THIS SECTION**, § 3–711 of this subtitle,  
4 and Title 7, Subtitle 5 of this article, an inmate committed to the custody of the  
5 Commissioner is entitled to a diminution of the inmate’s term of confinement as  
6 provided under this subtitle.

7 **(B) AN INMATE WHO IS AN OFFENDER OR A CHILD SEXUAL OFFENDER**  
8 **AS DEFINED IN § 11–701 OF THE CRIMINAL PROCEDURE ARTICLE IS NOT**  
9 **ENTITLED TO A DIMINUTION OF THE INMATE’S TERM OF CONFINEMENT AS**  
10 **PROVIDED UNDER THIS SUBTITLE.**

11 11–502.

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

16 **(B) (1) AN INMATE WHO IS AN OFFENDER OR A CHILD SEXUAL**  
17 **OFFENDER AS DEFINED IN § 11–701 OF THE CRIMINAL PROCEDURE ARTICLE**  
18 **MAY NOT BE ALLOWED DEDUCTIONS FROM THE INMATE’S TERM OF**  
19 **CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE FOR ANY PERIOD OF**  
20 **PRESENTENCE OR POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL**  
21 **FACILITY.**

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

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

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2010.