

SENATE BILL 621

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9lr2785
CF HB 294

By: Senators Carter, Lee, ~~and Smith~~ Smith, Zirkin, Hester, Waldstreicher,
Washington, West, and Ellis

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

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

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

13 BY adding to

14 Article – Correctional Services

15 Section 3-706.1

16 Annotated Code of Maryland

17 (2017 Replacement Volume and 2018 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Correctional Services

20 Section 3-708

21 Annotated Code of Maryland

22 (2017 Replacement Volume and 2018 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 ~~ONE-TIME~~ DEDUCTION IN ADVANCE FROM THE INMATE'S TERM
8 OF CONFINEMENT IF THE INMATE SUCCESSFULLY OBTAINS:

9 (1) AN INTERMEDIATE HIGH ACADEMIC CERTIFICATE;

10 ~~(1) (2)~~ A NO 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 ~~COMMISSIONER~~ SECRETARY OF
13 LABOR, LICENSING, AND REGULATION AND THE COMMISSIONER OF CORRECTION;

14 ~~(2) (3)~~ A STATE HIGH SCHOOL DIPLOMA BY EXAMINATION UNDER
15 § 11-808 OF THE LABOR AND EMPLOYMENT ARTICLE;

16 ~~(3) (4)~~ A HIGH SCHOOL DIPLOMA;

17 ~~(4) (5)~~ AN ASSOCIATE DEGREE; OR

18 ~~(5) (6)~~ A BACHELOR'S DEGREE.

19 (B) (1) THE DEDUCTION ALLOWED UNDER SUBSECTION (A) OF THIS
20 SECTION SHALL BE ~~NOT LESS THAN 60 DAYS AND NOT MORE THAN 730 DAYS;~~

21 (I) FOR AN INMATE DESCRIBED IN § 3-707(A)(2) OF THIS
22 SUBTITLE, 20 DAYS PER PROGRAM COMPLETED; AND

23 (II) FOR ALL OTHER INMATES, 30 DAYS PER PROGRAM
24 COMPLETED.

25 ~~(2) IF THE DEDUCTION ALLOWED UNDER THIS SUBSECTION EXCEEDS~~
26 ~~THE LIMITATION ON THE TOTAL NUMBER OF DEDUCTIONS ALLOWED PER CALENDAR~~
27 ~~MONTH UNDER § 3-708 OF THIS SUBTITLE, THE INMATE SHALL BE AWARDED THE~~
28 ~~REMAINING PORTION OF THE DEDUCTION DURING THE FOLLOWING CALENDAR~~
29 ~~MONTH.~~

1 ~~(C) THE DEDUCTIONS ALLOWED UNDER SUBSECTION (A) OF THIS SECTION~~
2 ~~MAY NOT APPLY IF AN INMATE'S TERM OF CONFINEMENT INCLUDES A CONSECUTIVE~~
3 ~~OR CONCURRENT SENTENCE FOR:~~

4 ~~(1) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL~~
5 ~~LAW ARTICLE;~~

6 ~~(2) A SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED~~
7 ~~UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE; OR~~

8 ~~(3) A CRIME OF MANUFACTURING, DISTRIBUTING, DISPENSING, OR~~
9 ~~POSSESSING A CONTROLLED DANGEROUS SUBSTANCE IN VIOLATION OF § 5-612 OR~~
10 ~~§ 5-613 OF THE CRIMINAL LAW ARTICLE.~~

11 (2) THE DEDUCTION ALLOWED UNDER THIS SUBSECTION SHALL BE IN
12 ADDITION TO ANY OTHER DEDUCTION AWARDED UNDER THIS SUBTITLE.

13 ~~(D) (C)~~ THE COMMISSIONER SHALL ESTABLISH A UNIFORM SYSTEM OF
14 DEDUCTIONS AND PARTICIPATION CRITERIA ALLOWED UNDER SUBSECTION (A) OF
15 THIS SECTION.

16 3-708.

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

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

22 (2) 30 days for a calendar month for all other inmates.

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

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2019.