

SENATE BILL 397

E2
HB 812/20 – JUD

1r1821
CF HB 89

By: **Senator Carter**

Introduced and read first time: January 15, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2021

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of awarding a diminution credit to reduce the term of confinement of an
4 inmate if the inmate successfully obtains a certain educational certificate, diploma,
5 or degree; establishing the diminution credit that may be awarded to certain
6 inmates; prohibiting a certain inmate from being awarded more than a certain
7 amount of diminution credit; prohibiting a certain inmate from receiving a
8 diminution credit under this Act; requiring the Commissioner of Correction to
9 establish a uniform system of deductions and participation criteria for awarding a
10 certain diminution credit; establishing a certain exception to a certain maximum
11 deduction that may be earned by an inmate; providing for the application of this Act;
12 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 2020 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 2020 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 DEDUCTION ~~IN ADVANCE~~ FROM THE INMATE’S TERM OF
8 CONFINEMENT IF THE INMATE SUCCESSFULLY OBTAINS:

9 (1) AN INTERMEDIATE HIGH ACADEMIC CERTIFICATE;

10 (2) NOT 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 SECRETARY OF LABOR AND THE
13 COMMISSIONER;

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

16 (4) A HIGH SCHOOL DIPLOMA;

17 (5) AN ASSOCIATE DEGREE; OR

18 (6) A BACHELOR’S DEGREE.

19 (B) (1) ~~THE~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
20 SUBSECTION, THE DEDUCTION ALLOWED UNDER SUBSECTION (A) OF THIS SECTION
21 SHALL BE ~~90~~ 60 DAYS PER PROGRAM COMPLETED.

22 (2) FOR AN INMATE WHO IS SERVING A SENTENCE FOR A CRIME OF
23 VIOLENCE, AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE, THE
24 DEDUCTION ALLOWED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT EXCEED
25 40 DAYS.

26 ~~(2)~~ (3) THE DEDUCTION ALLOWED UNDER THIS SUBSECTION
27 SHALL BE IN ADDITION TO ANY OTHER DEDUCTION AWARDED UNDER THIS
28 SUBTITLE.

29 (C) AN INMATE WHO IS SERVING A SENTENCE FOR A SEXUAL OFFENSE FOR
30 WHICH REGISTRATION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL
31 PROCEDURE ARTICLE IS REQUIRED IS NOT ENTITLED TO A DIMINUTION OF THE
32 INMATE’S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SECTION.

1 ~~(e)~~ **(D)** **THE COMMISSIONER SHALL ESTABLISH A UNIFORM SYSTEM OF**
2 **DEDUCTIONS AND PARTICIPATION CRITERIA ALLOWED UNDER SUBSECTION (A) OF**
3 **THIS SECTION.**

4 3-708.

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

8 (1) 20 days for a calendar month for an inmate described in § 3-707(a)(2)
9 of this subtitle; and

10 (2) 30 days for a calendar month for all other inmates.

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

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.