

SENATE BILL 1098

E5

4lr1670

By: **Senator Smith**

Introduced and read first time: February 2, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Diminution Credits – Sexual Offenses**

3 FOR the purpose of prohibiting the earning of diminution credits to reduce the term of
4 confinement of an incarcerated individual who is serving a sentence for rape in the
5 first degree in a State or local correctional facility; and generally relating to
6 diminution credits.

7 BY repealing and reenacting, without amendments,

8 Article – Correctional Services

9 Section 3–702(a) and 11–502(a)

10 Annotated Code of Maryland

11 (2017 Replacement Volume and 2023 Supplement)

12 (As enacted by Chapter 721 of the Acts of the General Assembly of 2023)

13 BY repealing and reenacting, with amendments,

14 Article – Correctional Services

15 Section 3–702(b) and 11–502(b)

16 Annotated Code of Maryland

17 (2017 Replacement Volume and 2023 Supplement)

18 (As enacted by Chapter 721 of the Acts of the General Assembly of 2023)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

20 That the Laws of Maryland read as follows:

21 **Article – Correctional Services**

22 3–702.

23 (a) Subject to subsections (b) and (c) of this section, § 3–711 of this subtitle, and
24 Title 7, Subtitle 5 of this article, an incarcerated individual committed to the custody of the
25 Commissioner is entitled to a diminution of the incarcerated individual’s term of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 confinement as provided under this subtitle.

2 (b) (1) [An] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN
3 incarcerated individual who is serving a sentence for a violation of § 3–303 or § 3–304 of
4 the Criminal Law Article involving a victim who is a child under the age of 16 years, or an
5 incarcerated individual who is serving a sentence for a violation of § 3–305 or § 3–306 of
6 the Criminal Law Article, as the sections existed before October 1, 2017, involving a victim
7 who is a child under the age of 16 years, is not entitled to a diminution of the incarcerated
8 individual’s term of confinement as provided under this subtitle.

9 (2) AN INCARCERATED INDIVIDUAL WHO IS SERVING A SENTENCE
10 FOR A VIOLATION OF § 3–303 OF THE CRIMINAL LAW ARTICLE THAT OCCURRED ON
11 OR AFTER OCTOBER 1, 2024, IS NOT ENTITLED TO A DIMINUTION OF THE
12 INCARCERATED INDIVIDUAL’S TERM OF CONFINEMENT AS PROVIDED UNDER THIS
13 SUBTITLE.

14 11–502.

15 (a) Except as provided in subsections (b) and (c) of this section, an incarcerated
16 individual who has been sentenced to a term of imprisonment shall be allowed deductions
17 from the incarcerated individual’s term of confinement as provided under this subtitle for
18 any period of presentence or postsentence confinement in a local correctional facility.

19 (b) (1) [An] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN
20 incarcerated individual who is serving a sentence for a violation of § 3–303 or § 3–304 of
21 the Criminal Law Article involving a victim who is a child under the age of 16 years, or an
22 incarcerated individual who is serving a sentence for a violation of § 3–305 or § 3–306 of
23 the Criminal Law Article, as the sections existed before October 1, 2017, involving a victim
24 who is a child under the age of 16 years, may not be allowed deductions from the
25 incarcerated individual’s term of confinement as provided under this subtitle for any period
26 of presentence or postsentence confinement in a local correctional facility.

27 (2) AN INCARCERATED INDIVIDUAL WHO IS SERVING A SENTENCE
28 FOR A VIOLATION OF § 3–303 OF THE CRIMINAL LAW ARTICLE THAT OCCURRED ON
29 OR AFTER OCTOBER 1, 2024, MAY NOT BE ALLOWED DEDUCTIONS FROM THE
30 INCARCERATED INDIVIDUAL’S TERM OF CONFINEMENT AS PROVIDED UNDER THIS
31 SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR POSTSENTENCE CONFINEMENT IN
32 A LOCAL CORRECTIONAL FACILITY.

33 [(2)] (3) This subsection may not be construed to require an incarcerated
34 individual to serve a longer sentence of confinement than is authorized by the statute under
35 which the incarcerated individual was convicted.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 2024.