

HOUSE BILL 439

Unofficial Copy  
E2  
HB 715/99 - JUD

2001 Regular Session  
11r0978

---

By: **Delegates Hecht, W. Baker, Barkley, Boutin, Cadden, Conroy, Cryor, DeCarlo, Donoghue, Dypski, Franchot, Frush, Glassman, Hubers, Hutchins, James, V. Jones, Klausmeier, Marriott, McIntosh, Mohorovic, Morhaim, Parrott, Pitkin, Rosso, Rudolph, Shank, Sophocleus, and Stern**

Introduced and read first time: February 1, 2001  
Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

2 **Inmates - Eligibility for Diminution Credits - Child Abuse**

3 FOR the purpose of making an inmate who has been convicted of abuse of a child  
4 ineligible to receive a certain deduction in advance from the inmate's term of  
5 confinement; providing for a delayed effective date; and generally relating to an  
6 inmate's term of confinement.

7 BY repealing and reenacting, with amendments,  
8 Article - Correctional Services  
9 Section 3-704  
10 Annotated Code of Maryland  
11 (1999 Volume and 2000 Supplement)

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

14 **Article - Correctional Services**

15 3-704.

16 (a) THIS SECTION DOES NOT APPLY TO AN INMATE WHO HAS BEEN  
17 CONVICTED OF ABUSE OF A CHILD UNDER ARTICLE 27, § 35C OF THE CODE.

18 (B) An inmate shall be allowed a deduction in advance from the inmate's term  
19 of confinement.

20 [(b)] (C) (1) The deduction allowed under subsection [(a)] (B) of this section  
21 shall be calculated:

22 (i) from the first day of commitment to the custody of the  
23 Commissioner through the last day of the inmate's term of confinement;

1 (ii) except as provided in paragraph (2) of this subsection, at the  
2 rate of 10 days for each calendar month; and

3 (iii) on a prorated basis for any portion of a calendar month.

4 (2) If an inmate's term of confinement includes a consecutive or  
5 concurrent sentence for a crime of violence as defined in Article 27, § 643B of the Code  
6 or a crime of manufacturing, distributing, dispensing, or possessing a controlled  
7 dangerous substance in violation of Article 27, § 286 of the Code, the deduction  
8 described in subsection [(a)] (B) of this section shall be calculated at the rate of 5 days  
9 for each calendar month.

10 [(c)] (D) A deduction under this section may not be allowed for a period during  
11 which an inmate does not receive credit for service of the inmate's term of  
12 confinement, including a period:

13 (1) during which the inmate's sentence is stayed;

14 (2) during which the inmate is not in the custody of the Commissioner  
15 because of escape; or

16 (3) for which the Maryland Parole Commission has declined to grant  
17 credit after revocation of parole or mandatory supervision.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 January 1, 2002.