
By: **Senators Ferguson, Colburn, Hafer, Harris, Hooper, Jacobs, Madden,
McCabe, Mooney, Roesser, and Stoltzfus**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Truth in Sentencing - Repeat Violent Offenders**

3 FOR the purpose of prohibiting a person who is convicted of a second or subsequent
4 crime of violence from being eligible for parole; prohibiting the deduction in
5 advance from an inmate's term of confinement if the inmate has been previously
6 confined for a crime of violence and the term of confinement includes a sentence
7 for a second or subsequent crime of violence; providing for the application of this
8 Act; and generally relating to eligibility for parole or a deduction in advance
9 from a term of confinement.

10 BY repealing and reenacting, without amendments,
11 Article 27 - Crimes and Punishments
12 Section 643B(a) and (g)
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 2000 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 27 - Crimes and Punishments
17 Section 643B(d)
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 2000 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Correctional Services
22 Section 3-704
23 Annotated Code of Maryland
24 (1999 Volume and 2000 Supplement)

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

1

Article 27 - Crimes and Punishments

2 643B.

3 (a) As used in this section, the term "crime of violence" means abduction;
4 arson in the first degree; kidnapping; manslaughter, except involuntary
5 manslaughter; mayhem and maiming, as previously proscribed under §§ 384, 385,
6 and 386 of this article; murder; rape; robbery under § 486 or § 487 of this article;
7 carjacking or armed carjacking; sexual offense in the first degree; sexual offense in
8 the second degree; use of a handgun in the commission of a felony or other crime of
9 violence; an attempt to commit any of the aforesaid offenses; assault in the first
10 degree; and assault with intent to murder, assault with intent to rape, assault with
11 intent to rob, assault with intent to commit a sexual offense in the first degree, and
12 assault with intent to commit a sexual offense in the second degree, as these crimes
13 were previously proscribed under former § 12 of this article.

14 The term "correctional institution" includes Patuxent Institution and a local or
15 regional jail or detention center.

16 (d) (1) Except as provided in subsection (g) of this section, any person who
17 has been convicted on a prior occasion of a crime of violence, including a conviction for
18 an offense committed before October 1, 1994, and has served a term of confinement in
19 a correctional institution for that conviction shall be sentenced, on being convicted a
20 second time of a crime of violence committed on or after October 1, 1994, to
21 imprisonment for the term allowed by law, but, in any event, not less than 10 years.
22 The court may not suspend all or part of the mandatory 10-year sentence required
23 under this subsection.

24 (2) A PERSON WHO HAS BEEN CONVICTED OF A SECOND OR
25 SUBSEQUENT CRIME OF VIOLENCE IS NOT ELIGIBLE FOR PAROLE.

26 (g) If a person is sentenced to death, the provisions of this section do not apply.

27

Article - Correctional Services

28 3-704.

29 (a) [An] EXCEPT AS PROVIDED IN SUBSECTION (B)(3) OF THIS SECTION, AN
30 inmate shall be allowed a deduction in advance from the inmate's term of
31 confinement.

32 (b) (1) The deduction allowed under subsection (a) of this section shall be
33 calculated:

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

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

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

2 (2) [If] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF an
3 inmate's term of confinement includes a consecutive or concurrent sentence for a
4 crime of violence as defined in Article 27, § 643B of the Code or a crime of
5 manufacturing, distributing, dispensing, or possessing a controlled dangerous
6 substance in violation of Article 27, § 286 of the Code, the deduction described in
7 subsection (a) of this section shall be calculated at the rate of 5 days for each calendar
8 month.

9 (3) IF THE TERM OF CONFINEMENT OF AN INMATE WHO HAS BEEN
10 PREVIOUSLY CONFINED FOR A CRIME OF VIOLENCE AS DEFINED IN ARTICLE 27, §
11 643B OF THE CODE INCLUDES A SENTENCE FOR A SECOND OR SUBSEQUENT CRIME
12 OF VIOLENCE, THE INMATE MAY NOT BE ALLOWED A DEDUCTION IN ADVANCE FROM
13 THE INMATE'S TERM OF CONFINEMENT.

14 (c) A deduction under this section may not be allowed for a period during
15 which an inmate does not receive credit for service of the inmate's term of
16 confinement, including a period:

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
23 construed only prospectively and may not be applied or interpreted to have any effect
24 on or application to the sentencing of a person or the allowance of diminution credits
25 to an inmate whose second or subsequent crime of violence was committed before the
26 effective date of this Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2001.