
By: **Senator Ferguson**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Christopher's Law I - Child Sexual Offenders - Diminution Credits and**
3 **Parole Eligibility**

4 FOR the purpose of providing that a person committed to the custody of the Division
5 of Correction is not entitled to diminution credits on the inmate's term of
6 confinement if the inmate is committed as a result of a conviction for a violation
7 of certain sexual offenses involving a child under a certain age; providing that a
8 person sentenced to a term of imprisonment may not be granted parole if the
9 inmate is sentenced as a result of a conviction for a violation of certain sexual
10 offenses involving a child under a certain age; establishing that a certain
11 provision relating to the parole of a certain offender does not restrict certain
12 authority of the Governor; providing that a person sentenced to a term of
13 imprisonment is not entitled to certain deductions from the person's term of
14 confinement for certain periods of time in a local correctional facility if the
15 inmate is committed as a result of a conviction for a violation of certain sexual
16 offenses involving a child under a certain age; providing for the application of
17 this Act; and generally relating to child sexual offenders and diminution credits
18 and parole eligibility.

19 BY repealing and reenacting, with amendments,
20 Article - Correctional Services
21 Section 3-702, 7-301, and 11-502
22 Annotated Code of Maryland
23 (1999 Volume and 2000 Supplement)

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

26 **Article - Correctional Services**

27 3-702.

28 (A) [Subject] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,
29 SUBJECT to § 3-711 of this subtitle and Title 7, Subtitle 5 of this article, an inmate

1 committed to the custody of the Commissioner is entitled to a diminution of the
2 inmate's term of confinement as provided under this subtitle.

3 (B) AN INMATE COMMITTED TO THE CUSTODY OF THE COMMISSIONER IS NOT
4 ENTITLED TO A DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT AS
5 PROVIDED UNDER THIS SUBTITLE IF:

6 (1) THE INMATE IS COMMITTED AS THE RESULT OF A CONVICTION FOR
7 A VIOLATION OF ARTICLE 27, § 462, § 463, § 464, OR § 464A OF THE CODE; AND

8 (2) THE VICTIM WAS A CHILD UNDER THE AGE OF 16 YEARS.

9 7-301.

10 (a) (1) Except as otherwise provided in this section, the Commission shall
11 request that the Division of Parole and Probation make an investigation for inmates
12 in a local correctional facility and the Division of Correction make an investigation for
13 inmates in a State correction facility that will enable the Commission to determine
14 the advisability of granting parole to an inmate who:

15 (i) has been sentenced under the laws of the State to serve a term
16 of 6 months or more in a correctional facility; and

17 (ii) has served in confinement one-fourth of the inmate's aggregate
18 sentence.

19 (2) Except as otherwise provided by law or in a predetermined parole
20 release agreement, an inmate is not eligible for parole until the inmate has served in
21 confinement one-fourth of the inmate's aggregate sentence.

22 (b) Except as provided in subsection (c) of this section, if an inmate has been
23 sentenced to a term of imprisonment during which the inmate is eligible for parole
24 and a term of imprisonment during which the inmate is not eligible for parole, the
25 inmate is not eligible for parole consideration under subsection (a) of this section until
26 the inmate has served the greater of:

27 (1) one-fourth of the inmate's aggregate sentence; or

28 (2) a period equal to the term during which the inmate is not eligible for
29 parole.

30 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, an
31 inmate who has been sentenced to the Division of Correction after being convicted of
32 a violent crime committed on or after October 1, 1994, is not eligible for parole until
33 the inmate has served the greater of:

34 1. one-half of the inmate's aggregate sentence for violent
35 crimes; or

36 2. one-fourth of the inmate's total aggregate sentence.

1 (ii) An inmate who has been sentenced to the Division of Correction
2 after being convicted of a violent crime committed on or after October 1, 1994, and
3 who has been sentenced to more than one term of imprisonment, including a term
4 during which the inmate is eligible for parole and a term during which the inmate is
5 not eligible for parole, is not eligible for parole until the inmate has served the greater
6 of:

- 7 1. one-half of the inmate's aggregate sentence for violent
8 crimes;
- 9 2. one-fourth of the inmate's total aggregate sentence; or
- 10 3. a period equal to the term during which the inmate is not
11 eligible for parole.

12 (2) An inmate who is serving a term of imprisonment for a violent crime
13 committed on or after October 1, 1994, shall receive an administrative review of the
14 inmate's progress in the correctional facility after the inmate has served the greater
15 of:

- 16 (i) one-fourth of the inmate's aggregate sentence; or
- 17 (ii) if the inmate is serving a term of imprisonment that includes a
18 mandatory term during which the inmate is not eligible for parole, a period equal to
19 the term during which the inmate is not eligible for parole.

20 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an
21 inmate who has been sentenced to life imprisonment is not eligible for parole
22 consideration until the inmate has served 15 years or the equivalent of 15 years
23 considering the allowances for diminution of the inmate's term of confinement under
24 Article 27, § 638C of the Code and Title 3, Subtitle 7 of this article.

25 (2) An inmate who has been sentenced to life imprisonment as a result of
26 a proceeding under Article 27, § 413 is not eligible for parole consideration until the
27 inmate has served 25 years or the equivalent of 25 years considering the allowances
28 for diminution of the inmate's term of confinement under Article 27, § 638C of the
29 Code and Title 3, Subtitle 7 of this article.

30 (3) (i) If an inmate has been sentenced to imprisonment for life
31 without the possibility of parole under Article 27, § 412 or § 413 of the Code, the
32 inmate is not eligible for parole consideration and may not be granted parole at any
33 time during the inmate's sentence.

34 (ii) This paragraph does not restrict the authority of the Governor
35 to pardon or remit any part of a sentence under § 7-601 of this title.

36 (4) If eligible for parole under this subsection, an inmate serving a term
37 of life imprisonment may only be paroled with the approval of the Governor.

1 (E) (1) AN INMATE WHO HAS BEEN SENTENCED TO A TERM OF
2 IMPRISONMENT IS NOT ELIGIBLE FOR PAROLE CONSIDERATION AND MAY NOT BE
3 GRANTED PAROLE AT ANY TIME DURING THE INMATE'S SENTENCE IF:

4 (I) THE INMATE IS SERVING A TERM OF IMPRISONMENT AS A
5 RESULT OF A CONVICTION FOR A VIOLATION OF ARTICLE 27, § 462, § 463, § 464, OR §
6 464A OF THE CODE; AND

7 (II) THE VICTIM WAS A CHILD UNDER THE AGE OF 16 YEARS.

8 (2) THIS SUBSECTION DOES NOT RESTRICT THE AUTHORITY OF THE
9 GOVERNOR TO PARDON OR REMIT ANY PART OF A SENTENCE UNDER § 7-601 OF THIS
10 TITLE.

11 11-502.

12 (A) [An] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN
13 inmate who has been sentenced to a term of imprisonment shall be allowed
14 deductions from the inmate's term of confinement as provided under this subtitle for
15 any period of presentence or postsentence confinement in a local correctional facility.

16 (B) AN INMATE WHO HAS BEEN SENTENCED TO A TERM OF IMPRISONMENT
17 MAY NOT BE ALLOWED DEDUCTIONS FROM THE INMATE'S TERM OF CONFINEMENT
18 AS PROVIDED UNDER THIS SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR
19 POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY IF:

20 (1) THE INMATE IS SENTENCED AS THE RESULT OF A CONVICTION FOR A
21 VIOLATION OF ARTICLE 27, § 462, § 463, § 464, OR § 464A OF THE CODE; AND

22 (2) THE VICTIM WAS A CHILD UNDER THE AGE OF 16 YEARS.

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

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