
By: **Senator Ferguson**
Introduced and read first time: February 2, 2001
Assigned to: Judicial Proceedings

Committee Report: Favorable
Senate action: Adopted with floor amendments
Read second time: March 23, 2001

CHAPTER _____

1 AN ACT concerning

2 **Christopher's Law V - Child Sexual Offenders - Plea Bargaining and**
3 **Diminution Credits**

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 and the victim was under a certain age; providing that
8 a person sentenced to a term of imprisonment is not entitled to certain
9 deductions from the person's term of confinement for certain periods of time in a
10 local correctional facility if the inmate is committed as a result of a conviction for
11 certain sexual offenses and the victim was under a certain age; prohibiting a
12 State's Attorney from entering into a plea bargain agreement if the defendant is
13 charged with certain crimes, the alleged victim was under a certain age, and the
14 plea bargain agreement would have a certain result; providing for the
15 construction of this Act; defining a certain term; and generally relating to plea
16 bargaining and diminution credits for child sexual offenders.

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

22 BY adding to
23 Article - Criminal Procedure
24 Section 4-103.1
25 Annotated Code of Maryland

1 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of 2001)

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

4 **Article - Correctional Services**

5 3-702.

6 (A) [Subject] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND
7 SUBJECT to § 3-711 of this subtitle and Title 7, Subtitle 5 of this article, an inmate
8 committed to the custody of the Commissioner is entitled to a diminution of the
9 inmate's term of confinement as provided under this subtitle.

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

13 (1) THE INMATE IS COMMITTED AS THE RESULT OF A CONVICTION FOR
14 A VIOLATION OF ARTICLE 27, § 462, § 463, § 464, § 464A, § 464B, OR § 464F OF THE CODE;
15 AND

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

17 11-502.

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

22 (B) AN INMATE WHO HAS BEEN SENTENCED TO A TERM OF IMPRISONMENT IS
23 NOT ALLOWED DEDUCTIONS FROM THE INMATE'S TERM OF CONFINEMENT AS
24 PROVIDED UNDER THIS SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR
25 POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY IF:

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

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

30 **Article - Criminal Procedure**

31 4-103.1.

32 (A) IN THIS SECTION, "PLEA BARGAIN AGREEMENT" MEANS AN AGREEMENT
33 BETWEEN THE DEFENDANT OR THE DEFENDANT'S ATTORNEY AND THE STATE'S
34 ATTORNEY THAT THE DEFENDANT WILL PLEAD GUILTY TO A CHARGE IN EXCHANGE
35 FOR THE STATE'S ATTORNEY'S:

1 (1) RECOMMENDATION TO THE COURT FOR A SENTENCE THAT IS LESS
2 THAN THE MAXIMUM PENALTY FOR THE CHARGE;

3 (2) PROMISE NOT TO MAKE A RECOMMENDATION TO THE COURT
4 REGARDING THE SENTENCE;

5 (3) PROMISE TO ENTER A NOLLE PROSEQUI TO A CHARGE CARRYING A
6 GREATER STATUTORY PENALTY; OR

7 (4) PROMISE TO PLACE A CHARGE CARRYING GREATER STATUTORY
8 PENALTY ON THE STET DOCKET.

9 (B) THE STATE'S ATTORNEY MAY NOT ENTER INTO A PLEA BARGAIN
10 AGREEMENT IF:

11 (1) THE DEFENDANT IS CHARGED WITH A VIOLATION OF ARTICLE 27, §
12 462, § 463, § 464, § 464A, § 464B, OR § 464F OF THE CODE; ~~AND~~

13 (2) THE ALLEGED VICTIM WAS A CHILD UNDER THE AGE OF 16 YEARS;
14 AND

15 (3) THE PLEA BARGAIN AGREEMENT WOULD RESULT IN A NOLLE
16 PROSEQUI OR PLACEMENT ON THE STET DOCKET OF A CHARGE LISTED IN ITEM (1)
17 OF THIS SUBSECTION.

18 (C) THIS SECTION DOES NOT PROHIBIT A DEFENDANT FROM PLEADING
19 GUILTY TO A CRIMINAL CHARGE IF THERE IS NOT A PLEA BARGAIN AGREEMENT.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2001.