

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 854

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Hecht” and substitute “Delegates Hecht, Doory, Vallario, and Dembrow”.

AMENDMENT NO. 2

On page 1, in line 2, strike “Inmates” and substitute “Public Safety”; in the same line, strike “Revocation”; in the same line, after “Credits” insert “and Sentences”; strike beginning with “providing” in line 3 down through “under” in line 13 and substitute “prohibiting the application of certain diminution credits toward an inmate’s term of confinement for an inmate who is convicted and sentenced to imprisonment for certain crimes committed while on mandatory supervision under certain circumstances; clarifying that an inmate may not be awarded certain diminution credits on a certain sentence after mandatory supervision has been revoked under certain circumstances; providing for the effect of a certain provision of law on a certain prohibition against the application of diminution credits under certain circumstances; requiring the Secretary of Public Safety and Correctional Services, the Chairman of the Maryland Parole Commission, and the Chairman of the State Commission on Criminal Sentencing Policy to establish a workgroup to conduct a certain study and make certain recommendations to certain committees of the General Assembly by a certain date; providing for the application of this Act; and generally relating to diminution credits and”; in line 14, strike “programs”; and in line 17, after “Section” insert “7-502 and”.

AMENDMENT NO. 3

On pages 1 and 2, strike in their entirety the lines beginning with line 20 on page 1 through line 3 on page 2, inclusive.

AMENDMENT NO. 4

On page 2, after line 6, insert:

(Over)

“7-502.

(a) An individual on mandatory supervision remains in legal custody until the expiration of the individual's full term.

(b) An individual on mandatory supervision is subject to:

(1) all laws, rules, regulations, and conditions that apply to parolees; and

(2) any special conditions established by a commissioner.

(C) IF AN INMATE IS CONVICTED AND SENTENCED TO IMPRISONMENT FOR A VIOLENT CRIME COMMITTED WHILE ON MANDATORY SUPERVISION AND THE MANDATORY SUPERVISION IS REVOKED, DIMINUTION CREDITS THAT WERE AWARDED BEFORE THE INMATE'S RELEASE ON MANDATORY SUPERVISION MAY NOT BE APPLIED TOWARD THE INMATE'S TERM OF CONFINEMENT ON RETURN TO THE DIVISION.”.

On page 2, in line 8, after “(a)” insert “IN THIS SECTION, “TERM OF CONFINEMENT” HAS THE MEANING STATED IN § 3-701 OF THIS ARTICLE.

(B) (1)”;

strike in their entirety lines 11 through 24, inclusive, and substitute:

“(2) NOTHING IN THIS SECTION AFFECTS THE PROHIBITION AGAINST THE APPLICATION OF DIMINUTION CREDITS UNDER § 7-502 OF THIS SUBTITLE TO THE TERM OF CONFINEMENT OF AN INMATE CONVICTED AND SENTENCED TO IMPRISONMENT FOR A CRIME COMMITTED WHILE ON MANDATORY SUPERVISION.

[(b)] (C) [An] AFTER AN INMATE’S MANDATORY SUPERVISION HAS BEEN REVOKED, THE inmate may not be awarded any new diminution credits [after the inmate’s mandatory supervision has been revoked] ON THE TERM OF CONFINEMENT FOR WHICH THE INMATE WAS ON MANDATORY SUPERVISION.”.

#### AMENDMENT NO. 5

On page 2, after line 24, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Secretary of Public Safety and Correctional Services, the Chairman of the Maryland Parole Commission, and the Chairman of the State Commission on Criminal Sentencing Policy shall establish a workgroup to study and make recommendations, including any draft statutory changes, concerning the calculation of diminution credits for a new sentence for a crime committed while an inmate was on mandatory supervision, the issue of commencement of concurrent and consecutive sentences, and any other related issue. The Secretary shall report on the findings and recommendations of the workgroup, in accordance with § 2-1246 of the State Government Article, to the House Judiciary and Appropriations Committees and the Senate Judicial Proceedings and Budget and Taxation Committees by January 1, 2003.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any sentence for a crime committed before the effective date of this Act.”;

in line 25, strike “2.” and substitute “4.”; and in line 26, strike “October” and substitute “June”.