

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL NO. 854

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Mandatory” insert “Parole and”; in line 17, strike “certain crimes” and substitute “a crime”; in line 22, after “circumstances;” insert “declaring the intent of the General Assembly;”; in line 23, strike the comma and substitute “and”; strike beginning with the comma in line 24 down through “Policy” in line 25; and in line 28, strike “diminution credits” and substitute “parole”.

On page 2, in line 3, strike “7-502” and substitute “3-711”; and after line 5, insert:

“BY repealing and reenacting, without amendments,

Article - Correctional Services

Section 7-502

Annotated Code of Maryland

(1999 Volume and 2001 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 21, insert:

“3-711.

If an inmate is convicted and sentenced to imprisonment for a crime committed while on parole OR MANDATORY SUPERVISION and the parole OR MANDATORY SUPERVISION is revoked, diminution credits that were awarded before the inmate’s release on parole OR MANDATORY SUPERVISION may not be applied toward the inmate’s term of confinement on return to the Division.”;

and strike in their entirety lines 28 through 33, inclusive.

(Over)

On page 3, in line 2, after “(a)” insert “(1)”; in line 4, strike “(B) (1)” and substitute “(2)”; in line 21, strike “(2)” and substitute “(3)”; in the same line, strike “SECTION” and substitute “SUBSECTION”; in line 22, strike “§ 7-502 OF THIS SUBTITLE” and substitute “§ 3-711 OF THIS ARTICLE”; in line 25, strike the brackets; in the same line, strike “(C)”; after line 28, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that this Act shall be construed to be consistent with the ruling of the Court of Appeals of Maryland in Public Safety v. Hutchinson, 359 Md. 320 (2000), and construed to require that if an inmate is convicted and sentenced for a crime that is committed while the inmate is on mandatory supervision, any diminution credits that have been earned by the inmate prior to the date of the inmate’s release on mandatory supervision are permanently revoked and eliminated and may not be applied to any previous, current, or future sentence or term of confinement of the inmate.”;

in line 29, strike “2.” and substitute “3.”; in line 30, strike the first comma and substitute “and”; in the same line, strike the second comma; in line 31, strike “and the Chairman of the State Commission on Criminal Sentencing Policy”; strike beginning with the comma in line 34 down through the comma in line 35; in line 39, strike “January 1, 2003” and substitute “November 1, 2002”; and in line 40, strike “3.” and substitute “4.”.

On page 4, in line 3, strike “4.” and substitute “5.”.