

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 747

(First Reading File Bill)

AMENDMENT NO. 1

In the sponsor line, strike “and Baker” and substitute “, Baker, Kelley, Colburn, Ferguson, Jacobs, Jimeno, and Sfikas”; strike line 2 in its entirety and substitute “Public Safety - Parole and Mandatory Supervision - Diminution Credits and Sentences”; strike beginning with “imposing” in line 3 down through “inmates” in line 6 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 a crime 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that an inmate may not be awarded certain diminution credits on a certain sentence after mandatory supervision has been revoked under certain circumstances; providing for the effect of a certain provision of law on a certain prohibition against the application of diminution credits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; declaring the intent of the General Assembly; requiring the Secretary of Public Safety and Correctional Services and the Chairman of the Maryland Parole Commission 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 parole and mandatory supervision”; in line 9, after “Section” insert “3-711 and”; and after line 11, 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

After line 14, insert:

“3-711.

(Over)

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.

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.”.

AMENDMENT NO. 3

In line 16, after “(a)” insert “(1) IN THIS SECTION, “TERM OF CONFINEMENT” HAS THE MEANING STATED IN § 3-701 OF THIS ARTICLE.

(2)”;

after line 18, insert:

“(3) NOTHING IN THIS SUBSECTION AFFECTS THE PROHIBITION AGAINST THE APPLICATION OF DIMINUTION CREDITS UNDER § 3-711 OF THIS ARTICLE TO THE TERM OF CONFINEMENT OF AN INMATE CONVICTED AND SENTENCED TO IMPRISONMENT FOR A CRIME COMMITTED WHILE ON MANDATORY SUPERVISION.”;

in line 19, strike “An” and substitute “AFTER AN INMATE'S MANDATORY SUPERVISION HAS BEEN REVOKED, THE”; and strike beginning with “A” in line 19 down through “RELEASED” in line 22 and substitute “THE TERM OF CONFINEMENT FOR WHICH THE INMATE WAS”.

AMENDMENT NO. 4

After line 22, 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.

SECTION 3. AND BE IT FURTHER ENACTED, That the Secretary of Public Safety and Correctional Services and the Chairman of the Maryland Parole Commission 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 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 November 1, 2002.

SECTION 4. 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.”.

AMENDMENT NO . 5

In line 23, strike “2.” and substitute “5.”; and in line 24, strike “October” and substitute “June”.