

HOUSE BILL 854

Unofficial Copy  
E2

2002 Regular Session  
(21r2306)

*ENROLLED BILL*  
*-- Judiciary/Judicial Proceedings --*

Introduced by ~~Delegate Hecht~~ Delegates Hecht, Doory, Vallario, and Dembrow

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Inmates Public Safety - Mandatory Supervision Revocation - Diminution**  
3 **Credits and Sentences**

4 FOR the purpose of ~~providing that an inmate whose program of mandatory~~  
5 ~~supervision is revoked may not receive any diminution credits for the sentence~~  
6 ~~or sentences for which the inmate was awarded diminution credits before the~~  
7 ~~inmate's release on mandatory supervision; providing that an inmate whose~~  
8 ~~program of mandatory supervision from a term of confinement for the~~  
9 ~~commission and conviction of a crime of violence is revoked because of the~~  
10 ~~commission of another crime of violence may not be awarded diminution credits~~  
11 ~~for work tasks or for special projects for all of the new sentence whether the new~~  
12 ~~sentence runs concurrently or consecutively to the sentence for which the~~  
13 ~~inmate was awarded diminution credits before release on mandatory~~  
14 ~~supervision; and generally relating to diminution credits for inmates under~~  
15 prohibiting the application of certain diminution credits toward an inmate's  
16 term of confinement for an inmate who is convicted and sentenced to

1 imprisonment for certain crimes committed while on mandatory supervision  
 2 under certain circumstances; clarifying that an inmate may not be awarded  
 3 certain diminution credits on a certain sentence after mandatory supervision  
 4 has been revoked under certain circumstances; providing for the effect of a  
 5 certain provision of law on a certain prohibition against the application of  
 6 diminution credits under certain circumstances; requiring the Secretary of  
 7 Public Safety and Correctional Services; and the Chairman of the Maryland  
 8 Parole Commission, and the Chairman of the State Commission on Criminal  
 9 Sentencing Policy to establish a workgroup to conduct a certain study and make  
 10 certain recommendations to certain committees of the General Assembly by a  
 11 certain date; providing for the application of this Act; and generally relating to  
 12 diminution credits and mandatory supervision programs.

13 BY repealing and reenacting, with amendments,  
 14 Article - Correctional Services  
 15 Section 7-502 and 7-504  
 16 Annotated Code of Maryland  
 17 (1999 Volume and 2001 Supplement)

18 **Preamble**

19 ~~WHEREAS, The Department of Public Safety and Correctional Services has~~  
 20 ~~studied the issue of diminution of confinement credits and mandatory supervision~~  
 21 ~~releases; and~~

22 ~~WHEREAS, In January 2002, the Department issued its Report to the General~~  
 23 ~~Assembly on Diminution of Confinement Credits and Mandatory Supervision~~  
 24 ~~Releases; and~~

25 ~~WHEREAS, One of the Department's recommendations is that the General~~  
 26 ~~Assembly provide further guidance as it relates to the application of diminution of~~  
 27 ~~confinement credits and mandatory supervision release; and~~

28 ~~WHEREAS, It is the intent of the General Assembly to provide clarification on~~  
 29 ~~the policy of not awarding diminution credits in certain instances when an inmate's~~  
 30 ~~mandatory supervision program is revoked; now, therefore,~~

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

33 **Article - Correctional Services**

34 7-502.

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

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

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

2 (2) any special conditions established by a commissioner.

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

9 7-504.

10 (a) IN THIS SECTION, "TERM OF CONFINEMENT" HAS THE MEANING STATED  
 11 IN § 3-701 OF THIS ARTICLE.

12 (B) (1) The commissioner presiding at an individual's mandatory  
 13 supervision revocation hearing may revoke any or all of the diminution credits  
 14 previously earned by the individual on the individual's term of confinement.

15 (b) ~~An inmate may not be awarded any new diminution credits after the~~  
 16 ~~inmate's mandatory supervision has been revoked FOR THE SENTENCE OR~~  
 17 ~~SENTENCES FOR WHICH THE INDIVIDUAL WAS AWARDED DIMINUTION CREDITS~~  
 18 ~~BEFORE RELEASE ON MANDATORY SUPERVISION.~~

19 (C) ~~AN INMATE WHO, WHILE ON MANDATORY SUPERVISION RELEASE FROM A~~  
 20 ~~TERM OF CONFINEMENT FOR THE COMMISSION OF AND CONVICTION FOR A CRIME~~  
 21 ~~LISTED UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE, COMMITS ANOTHER CRIME~~  
 22 ~~LISTED UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE FOR WHICH THE INMATE IS~~  
 23 ~~CONVICTED AND SENTENCED MAY NOT BE AWARDED DIMINUTION CREDITS FOR~~  
 24 ~~WORK TASKS UNDER § 3-705 OF THIS ARTICLE OR SPECIAL PROJECTS UNDER § 3-707~~  
 25 ~~OF THIS ARTICLE FOR ALL OF THE NEW SENTENCE, WHETHER THE NEW SENTENCE~~  
 26 ~~RUNS CONCURRENTLY OR CONSECUTIVELY TO THE SENTENCE FOR WHICH THE~~  
 27 ~~INMATE WAS AWARDED DIMINUTION CREDITS BEFORE RELEASE ON MANDATORY~~  
 28 ~~SUPERVISION.~~

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

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

37 SECTION 2. AND BE IT FURTHER ENACTED, That the Secretary of Public  
 38 Safety and Correctional Services, and the Chairman of the Maryland Parole  
 39 Commission, and the Chairman of the State Commission on Criminal Sentencing

1 ~~Policy~~ shall establish a workgroup to study and make recommendations, including  
2 any draft statutory changes, concerning:

3           (1)       the calculation of diminution credits for a new sentence for a crime  
4 committed while an inmate was on mandatory supervision;

5           (2)       whether the restriction provided in this Act against the application of  
6 diminution credits based on the commission of a violent crime while on mandatory  
7 supervision should be expanded to include all crimes committed while on mandatory  
8 supervision;

9           (3)       the issue of commencement of concurrent and consecutive sentences;  
10 and; and

11           (4)       any other related issue. The Secretary shall report on the findings  
12 and recommendations of the workgroup, in accordance with § 2-1246 of the State  
13 Government Article, to the House Judiciary and Appropriations Committees and the  
14 Senate Judicial Proceedings and Budget and Taxation Committees by ~~January 1,~~  
15 ~~2003~~ December 1, 2002.

16       SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall  
17 be construed to apply only prospectively and may not be applied or interpreted to  
18 have any effect on or application to ~~any sentence for~~ a crime committed *while on*  
19 *mandatory supervision* before the effective date of this Act.

20       SECTION ~~2.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take  
21 effect ~~October~~ June 1, 2002.