

---

By: ~~Delegate Hecht~~ **Delegates Hecht, Doory, Vallario, and Dembrow**

Introduced and read first time: February 7, 2002

Assigned to: Judiciary

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2002

---

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~~  
17 ~~imprisonment for certain crimes committed while on mandatory supervision~~  
18 ~~under certain circumstances; clarifying that an inmate may not be awarded~~  
19 ~~certain diminution credits on a certain sentence after mandatory supervision~~  
20 ~~has been revoked under certain circumstances; providing for the effect of a~~  
21 ~~certain provision of law on a certain prohibition against the application of~~  
22 ~~diminution credits under certain circumstances; requiring the Secretary of~~  
23 ~~Public Safety and Correctional Services, the Chairman of the Maryland Parole~~  
24 ~~Commission, and the Chairman of the State Commission on Criminal~~  
25 ~~Sentencing Policy to establish a workgroup to conduct a certain study and make~~  
26 ~~certain recommendations to certain committees of the General Assembly by a~~  
27 ~~certain date; providing for the application of this Act; and generally relating to~~  
28 ~~diminution credits and mandatory supervision programs.~~

1 BY repealing and reenacting, with amendments,  
2 Article - Correctional Services  
3 Section 7-502 and 7-504  
4 Annotated Code of Maryland  
5 (1999 Volume and 2001 Supplement)

6 **Preamble**

7 ~~WHEREAS, The Department of Public Safety and Correctional Services has~~  
8 ~~studied the issue of diminution of confinement credits and mandatory supervision~~  
9 ~~releases; and~~

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

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

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

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

21 **Article - Correctional Services**

22 7-502.

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

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

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

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

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

1 7-504.

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

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

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

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

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

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

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

40 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall  
41 be construed to apply only prospectively and may not be applied or interpreted to

1 have any effect on or application to any sentence for a crime committed before the  
2 effective date of this Act.

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