

SENATE BILL 433

Unofficial Copy
E4

2002 Regular Session
2r1508
CF 2r1507

By: **Senator Kelley (State Commission on Criminal Sentencing Policy)**

Introduced and read first time: January 31, 2002

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of prohibiting the application of certain diminution credits to an
5 inmate's term of confinement for an inmate who is convicted and sentenced to
6 imprisonment for a crime committed while on mandatory supervision under
7 certain circumstances; clarifying that an inmate may not be awarded certain
8 diminution credits on a certain sentence after mandatory supervision has been
9 revoked under certain circumstances; providing that a sentence shall begin at a
10 certain time if parole is subsequently revoked under certain circumstances;
11 providing for the application of this Act; and generally relating to parole and
12 mandatory supervision.

13 BY repealing and reenacting, with amendments,
14 Article - Correctional Services
15 Section 3-711, 7-504, and 9-202(c)
16 Annotated Code of Maryland
17 (1999 Volume and 2001 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article - Correctional Services
20 Section 7-502
21 Annotated Code of Maryland
22 (1999 Volume and 2001 Supplement)

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

25 **Article - Correctional Services**

26 3-711.

27 If an inmate is convicted and sentenced to imprisonment for a crime committed
28 while on parole OR MANDATORY SUPERVISION and the parole OR MANDATORY

1 SUPERVISION is revoked, diminution credits that were awarded before the inmate's
2 release on parole OR MANDATORY SUPERVISION may not be applied toward the
3 inmate's term of confinement on return to the Division.

4 7-502.

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

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

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

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

10 7-504.

11 (a) [The] EXCEPT AS PROVIDED IN § 3-711 OF THIS ARTICLE FOR AN INMATE
12 CONVICTED AND SENTENCED TO IMPRISONMENT FOR A CRIME WHILE ON
13 MANDATORY SUPERVISION, THE commissioner presiding at an individual's
14 mandatory supervision revocation hearing may revoke any or all of the diminution
15 credits previously earned by the individual on the individual's term of confinement.

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

20 9-202.

21 (c) A sentence imposed consecutive to a term of confinement for which the
22 defendant is on parole shall begin:

23 (1) if, at the time of sentencing, parole is revoked OR IF THE PAROLE IS
24 SUBSEQUENTLY REVOKED, on expiration of the original term of confinement; or

25 (2) if parole is not revoked, on the date that the consecutive sentence was
26 imposed.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
28 construed to apply only prospectively and may not be applied or interpreted to have
29 any effect on or application to any sentence for a crime committed before the effective
30 date of this Act.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2002.