

SENATE BILL 747

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E4

2002 Regular Session
(2lr2476)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senators Miller and Baker, Baker, Kelley, Colburn, Ferguson,
Jacobs, Jimeno, and Sfikas**

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.

President.

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of ~~imposing a certain condition on the prohibition against awarding~~
5 ~~an inmate new diminution credits on a sentence after the inmate's mandatory~~
6 ~~supervision has been revoked; and generally relating to the awarding of~~
7 ~~diminution credits to inmates~~ prohibiting the application of certain diminution
8 credits toward an inmate's term of confinement for an inmate who is convicted
9 and sentenced to imprisonment for a ~~crime~~ *certain crimes* committed while on
10 mandatory supervision under certain circumstances; clarifying that an inmate
11 may not be awarded certain diminution credits on a certain sentence after
12 mandatory supervision has been revoked under certain circumstances;
13 providing for the effect of a certain provision of law on a certain prohibition
14 against the application of diminution credits under certain circumstances;
15 ~~declaring the intent of the General Assembly;~~ requiring the Secretary of Public
16 Safety and Correctional Services and the Chairman of the Maryland Parole

1 Commission to establish a workgroup to conduct a certain study and make
 2 certain recommendations to certain committees of the General Assembly by a
 3 certain date; providing for the application of this Act; and generally relating to
 4 parole diminution credits and mandatory supervision.

5 BY repealing and reenacting, with amendments,
 6 Article - Correctional Services
 7 Section ~~3-711~~ 7-502 and 7-504
 8 Annotated Code of Maryland
 9 (1999 Volume and 2001 Supplement)

10 ~~BY repealing and reenacting, without amendments,~~
 11 ~~Article - Correctional Services~~
 12 ~~Section 7-502~~
 13 ~~Annotated Code of Maryland~~
 14 ~~(1999 Volume and 2001 Supplement)~~

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

17 **Article - Correctional Services**

18 ~~3-711.~~

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

24 7-502.

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

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

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

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

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

1 7-504.

2 (a) ~~(1)~~ IN THIS SECTION, "TERM OF CONFINEMENT" HAS THE MEANING
 3 STATED IN § 3-701 OF THIS ARTICLE.

4 ~~(2)~~ (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 ~~(3)~~ (2) NOTHING IN THIS SUBSECTION SECTION AFFECTS THE
 8 PROHIBITION AGAINST THE APPLICATION OF DIMINUTION CREDITS UNDER § 3-711 §
 9 7-502 OF THIS ARTICLE SUBTITLE TO THE TERM OF CONFINEMENT OF AN INMATE
 10 CONVICTED AND SENTENCED TO IMPRISONMENT FOR A CRIME COMMITTED WHILE
 11 ON MANDATORY SUPERVISION.

12 ~~(b)~~ (C) AN AFTER AN INMATE'S MANDATORY SUPERVISION HAS BEEN
 13 REVOKED, THE inmate may not be awarded any new diminution credits ON A
 14 SENTENCE after the inmate's mandatory supervision has been revoked IF THE
 15 SENTENCE WAS ONE FOR WHICH THE INMATE WAS AWARDED DIMINUTION CREDITS
 16 BEFORE THE INMATE WAS RELEASED THE TERM OF CONFINEMENT FOR WHICH THE
 17 INMATE WAS ON MANDATORY SUPERVISION.

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

27 ~~SECTION 3- 2. AND BE IT FURTHER ENACTED, That the Secretary of Public~~
 28 ~~Safety and Correctional Services and the Chairman of the Maryland Parole~~
 29 ~~Commission shall establish a workgroup to study and make recommendations,~~
 30 ~~including any draft statutory changes, concerning:~~

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

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

37 (3) the issue of commencement of concurrent and consecutive sentences
 38 and; and

39 (4) any other related issue. The Secretary shall report on the findings
 40 and recommendations of the workgroup, in accordance with § 2-1246 of the State

1 Government Article, to the House Judiciary and Appropriations Committees and the
2 Senate Judicial Proceedings and Budget and Taxation Committees by ~~November~~
3 December 1, 2002.

4 SECTION 4. 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act
5 shall be construed to apply only prospectively and may not be applied or interpreted
6 to have any effect on or application to ~~any sentence for~~ a crime committed *while on*
7 *mandatory supervision* before the effective date of this Act.

8 SECTION ~~2. 5. 4.~~ AND BE IT FURTHER ENACTED, That this Act shall take
9 effect ~~October~~ June 1, 2002.