
By: ~~Senators Miller and Baker, Baker, Kelley, Colburn, Ferguson, Jacobs,~~
Jimeno, and Sfikas

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Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
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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6 ~~supervision has been revoked; and generally relating to the awarding of~~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 committed while on mandatory~~
10 ~~supervision under certain circumstances; clarifying that an inmate may not be~~
11 ~~awarded certain diminution credits on a certain sentence after mandatory~~
12 ~~supervision has been revoked under certain circumstances; providing for the~~
13 ~~effect of a certain provision of law on a certain prohibition against the~~
14 ~~application of diminution credits under certain circumstances; declaring the~~
15 ~~intent of the General Assembly; requiring the Secretary of Public Safety and~~
16 ~~Correctional Services and the Chairman of the Maryland Parole Commission to~~
17 ~~establish a workgroup to conduct a certain study and make certain~~
18 ~~recommendations to certain committees of the General Assembly by a certain~~
19 ~~date; providing for the application of this Act; and generally relating to parole~~
20 ~~and mandatory supervision.~~

21 BY repealing and reenacting, with amendments,
22 Article - Correctional Services
23 Section ~~3-711~~ and 7-504
24 Annotated Code of Maryland
25 (1999 Volume and 2001 Supplement)

1 BY repealing and reenacting, without amendments,
 2 Article - Correctional Services
 3 Section 7-502
 4 Annotated Code of Maryland
 5 (1999 Volume and 2001 Supplement)

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

8 **Article - Correctional Services**

9 3-711.

10 If an inmate is convicted and sentenced to imprisonment for a crime committed
 11 while on parole OR MANDATORY SUPERVISION and the parole OR MANDATORY
 12 SUPERVISION is revoked, diminution credits that were awarded before the inmate's
 13 release on parole OR MANDATORY SUPERVISION may not be applied toward the
 14 inmate's term of confinement on return to the Division.

15 7-502.

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

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

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

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

21 7-504.

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

24 (2) The commissioner presiding at an individual's mandatory
 25 supervision revocation hearing may revoke any or all of the diminution credits
 26 previously earned by the individual on the individual's term of confinement.

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

31 (b) After AN AFTER AN INMATE'S MANDATORY SUPERVISION HAS BEEN REVOKED,
 32 THE inmate may not be awarded any new diminution credits ON A SENTENCE after
 33 the inmate's mandatory supervision has been revoked IF THE SENTENCE WAS ONE
 34 FOR WHICH THE INMATE WAS AWARDED DIMINUTION CREDITS BEFORE THE INMATE

1 WAS RELEASED THE TERM OF CONFINEMENT FOR WHICH THE INMATE WAS ON
2 MANDATORY SUPERVISION.

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

12 SECTION 3. AND BE IT FURTHER ENACTED, That the Secretary of Public
13 Safety and Correctional Services and the Chairman of the Maryland Parole
14 Commission shall establish a workgroup to study and make recommendations,
15 including any draft statutory changes, concerning the calculation of diminution
16 credits for a new sentence for a crime committed while an inmate was on mandatory
17 supervision and any other related issue. The Secretary shall report on the findings
18 and recommendations of the workgroup, in accordance with § 2-1246 of the State
19 Government Article, to the House Judiciary and Appropriations Committees and the
20 Senate Judicial Proceedings and Budget and Taxation Committees by November 1,
21 2002.

22 SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
23 be construed to apply only prospectively and may not be applied or interpreted to
24 have any effect on or application to any sentence for a crime committed before the
25 effective date of this Act.

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