

SENATE BILL 799

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SB 678/01 - JPR

2002 Regular Session  
2r1545

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By: **Senators Ferguson, Colburn, Harris, Jacobs, Mooney, and Schrader**  
Introduced and read first time: February 11, 2002  
Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Christopher's Law III - Child Sexual Offenders - Plea Bargaining and**  
3 **Diminution Credits**

4 FOR the purpose of providing that a person committed to the custody of the Division  
5 of Correction is not entitled to diminution credits on the inmate's term of  
6 confinement if the inmate is committed as a result of a conviction for a violation  
7 of certain sexual offenses and the victim was under a certain age; providing that  
8 a person sentenced to a term of imprisonment is not entitled to certain  
9 deductions from the person's term of confinement for certain periods of time in a  
10 local correctional facility if the inmate is committed as a result of a conviction for  
11 certain sexual offenses and the victim was under a certain age; prohibiting a  
12 State's Attorney from entering into a plea bargain agreement if the defendant is  
13 charged with certain crimes, the alleged victim was under a certain age, and the  
14 plea bargain agreement would have a certain result; providing for the  
15 construction of this Act; defining a certain term; and generally relating to plea  
16 bargaining and diminution credits for child sexual offenders.

17 BY repealing and reenacting, with amendments,  
18 Article - Correctional Services  
19 Section 3-702 and 11-502  
20 Annotated Code of Maryland  
21 (1999 Volume and 2001 Supplement)

22 BY adding to  
23 Article - Criminal Procedure  
24 Section 4-103.1  
25 Annotated Code of Maryland  
26 (2001 Volume)

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

1

**Article - Correctional Services**

2 3-702.

3 (A) [Subject] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND  
4 SUBJECT to § 3-711 of this subtitle and Title 7, Subtitle 5 of this article, an inmate  
5 committed to the custody of the Commissioner is entitled to a diminution of the  
6 inmate's term of confinement as provided under this subtitle.

7 (B) AN INMATE COMMITTED TO THE CUSTODY OF THE COMMISSIONER IS NOT  
8 ENTITLED TO A DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT AS  
9 PROVIDED UNDER THIS SUBTITLE IF:

10 (1) THE INMATE IS COMMITTED AS THE RESULT OF A CONVICTION FOR  
11 A VIOLATION OF § 3-303, § 3-304, § 3-305, § 3-306, § 3-307, § 3-309, § 3-310, § 3-311, OR §  
12 3-312 OF THE CRIMINAL LAW ARTICLE; AND

13 (2) THE VICTIM WAS A CHILD UNDER THE AGE OF 16 YEARS.

14 11-502.

15 (A) [An] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN  
16 inmate who has been sentenced to a term of imprisonment shall be allowed  
17 deductions from the inmate's term of confinement as provided under this subtitle for  
18 any period of presentence or postsentence confinement in a local correctional facility.

19 (B) AN INMATE WHO HAS BEEN SENTENCED TO A TERM OF IMPRISONMENT IS  
20 NOT ALLOWED DEDUCTIONS FROM THE INMATE'S TERM OF CONFINEMENT AS  
21 PROVIDED UNDER THIS SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR  
22 POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY IF:

23 (1) THE INMATE IS SENTENCED AS THE RESULT OF A CONVICTION FOR A  
24 VIOLATION OF § 3-303, § 3-304, § 3-305, § 3-306, § 3-307, § 3-309, § 3-310, § 3-311, OR §  
25 3-312 OF THE CRIMINAL LAW ARTICLE; AND

26 (2) THE VICTIM WAS A CHILD UNDER THE AGE OF 16 YEARS.

27

**Article - Criminal Procedure**

28 4-103.1.

29 (A) IN THIS SECTION, "PLEA BARGAIN AGREEMENT" MEANS AN AGREEMENT  
30 BETWEEN THE DEFENDANT OR THE DEFENDANT'S ATTORNEY AND THE STATE'S  
31 ATTORNEY THAT THE DEFENDANT WILL PLEAD GUILTY TO A CHARGE IN EXCHANGE  
32 FOR THE STATE'S ATTORNEY'S:

33 (1) RECOMMENDATION TO THE COURT FOR A SENTENCE THAT IS LESS  
34 THAN THE MAXIMUM PENALTY FOR THE CHARGE;

1           (2)     PROMISE NOT TO MAKE A RECOMMENDATION TO THE COURT  
2 REGARDING THE SENTENCE;

3           (3)     PROMISE TO ENTER A NOLLE PROSEQUI TO A CHARGE CARRYING A  
4 GREATER STATUTORY PENALTY; OR

5           (4)     PROMISE TO PLACE A CHARGE CARRYING GREATER STATUTORY  
6 PENALTY ON THE STET DOCKET.

7     (B)     THE STATE'S ATTORNEY MAY NOT ENTER INTO A PLEA BARGAIN  
8 AGREEMENT IF:

9           (1)     THE DEFENDANT IS CHARGED WITH A VIOLATION OF § 3-303, § 3-304,  
10 § 3-305, § 3-306, § 3-307, § 3-309, § 3-310, § 3-311, OR § 3-312 OF THE CRIMINAL LAW  
11 ARTICLE;

12          (2)     THE ALLEGED VICTIM WAS A CHILD UNDER THE AGE OF 16 YEARS;  
13 AND

14          (3)     THE PLEA BARGAIN AGREEMENT WOULD RESULT IN A NOLLE  
15 PROSEQUI OR PLACEMENT ON THE STET DOCKET OF A CHARGE LISTED IN ITEM (1)  
16 OF THIS SUBSECTION.

17     (C)     THIS SECTION DOES NOT PROHIBIT A DEFENDANT FROM PLEADING  
18 GUILTY TO A CRIMINAL CHARGE IF THERE IS NOT A PLEA BARGAIN AGREEMENT.

19     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
20 effect October 1, 2002.