
By: **Senators Ferguson, Colburn, Harris, Jacobs, Mooney, and Schrader**
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Committee Report: Favorable
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CHAPTER _____

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

1 Annotated Code of Maryland
2 (2001 Volume)

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

5 **Article - Correctional Services**

6 3-702.

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

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

14 (1) THE INMATE IS COMMITTED AS THE RESULT OF A CONVICTION FOR
15 A VIOLATION OF § 3-303, § 3-304, § 3-305, § 3-306, § 3-307, § 3-309, § 3-310, § 3-311, OR §
16 3-312 OF THE CRIMINAL LAW ARTICLE; AND

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

18 11-502.

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

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

27 (1) THE INMATE IS SENTENCED AS THE RESULT OF A CONVICTION FOR A
28 VIOLATION OF § 3-303, § 3-304, § 3-305, § 3-306, § 3-307, § 3-309, § 3-310, § 3-311, OR §
29 3-312 OF THE CRIMINAL LAW ARTICLE; AND

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

31 **Article - Criminal Procedure**

32 4-103.1.

33 (A) IN THIS SECTION, "PLEA BARGAIN AGREEMENT" MEANS AN AGREEMENT
34 BETWEEN THE DEFENDANT OR THE DEFENDANT'S ATTORNEY AND THE STATE'S

1 ATTORNEY THAT THE DEFENDANT WILL PLEAD GUILTY TO A CHARGE IN EXCHANGE
2 FOR THE STATE'S ATTORNEY'S:

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

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

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

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

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

13 (1) THE DEFENDANT IS CHARGED WITH A VIOLATION OF § 3-303, § 3-304,
14 § 3-305, § 3-306, § 3-307, § 3-309, § 3-310, § 3-311, OR § 3-312 OF THE CRIMINAL LAW
15 ARTICLE;

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

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

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

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