
By: **Senators Ferguson, Colburn, Hafer, Haines, Harris, Hooper, Jacobs, Kittleman, Mooney, Munson, Roesser, Schrader, and Stoltzfus**
Introduced and read first time: February 11, 2002
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Christopher's Law I - Child Sexual Offenders - Diminution Credits and**
3 **Parole Eligibility**

4 FOR the purpose of providing that a person committed to the custody of the Division
5 of Corrections 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 involving a child under a certain age; providing that a
8 person sentenced to a term of imprisonment may not be granted parole if the
9 inmate is sentenced as a result of a conviction for a violation of certain sexual
10 offenses involving a child under a certain age; establishing that a certain
11 provision relating to the parole of a certain offender does not restrict certain
12 authority of the Governor; providing that a person sentenced to a term of
13 imprisonment is not entitled to certain deductions from the person's term of
14 confinement for certain periods of time in a local correctional facility if the
15 inmate is committed as a result of a conviction for a violation of certain sexual
16 offenses involving a child under a certain age; providing for the application of
17 this Act; and generally relating to child sexual offenders and diminution credits
18 and parole eligibility.

19 BY repealing and reenacting, with amendments,
20 Article - Correctional Services
21 Section 3-702, 7-301, and 11-502
22 Annotated Code of Maryland
23 (1999 Volume and 2001 Supplement)

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

26 **Article - Correctional Services**

27 3-702.

28 (A) [Subject] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,
29 SUBJECT to § 3-711 of this subtitle and Title 7, Subtitle 5 of this article, an inmate

1 committed to the custody of the Commissioner is entitled to a diminution of the
2 inmate's term of confinement as provided under this subtitle.

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

6 (1) THE INMATE IS COMMITTED AS THE RESULT OF A CONVICTION FOR
7 A VIOLATION OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE;
8 AND

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

10 7-301.

11 (a) (1) Except as otherwise provided in this section, the Commission shall
12 request that the Division of Parole and Probation make an investigation for inmates
13 in a local correctional facility and the Division of Correction make an investigation for
14 inmates in a State correctional facility that will enable the Commission to determine
15 the advisability of granting parole to an inmate who:

16 (i) has been sentenced under the laws of the State to serve a term
17 of 6 months or more in a correctional facility; and

18 (ii) has served in confinement one-fourth of the inmate's aggregate
19 sentence.

20 (2) Except as otherwise provided by law or in a predetermined parole
21 release agreement, an inmate is not eligible for parole until the inmate has served in
22 confinement one-fourth of the inmate's aggregate sentence.

23 (b) Except as provided in subsection (c) of this section, if an inmate has been
24 sentenced to a term of imprisonment during which the inmate is eligible for parole
25 and a term of imprisonment during which the inmate is not eligible for parole, the
26 inmate is not eligible for parole consideration under subsection (a) of this section until
27 the inmate has served the greater of:

28 (1) one-fourth of the inmate's aggregate sentence; or

29 (2) a period equal to the term during which the inmate is not eligible for
30 parole.

31 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, an
32 inmate who has been sentenced to the Division of Correction after being convicted of
33 a violent crime committed on or after October 1, 1994, is not eligible for parole until
34 the inmate has served the greater of:

35 1. one-half of the inmate's aggregate sentence for violent
36 crimes; or

1 (E) (1) AN INMATE WHO HAS BEEN SENTENCED TO A TERM OF
2 IMPRISONMENT IS NOT ELIGIBLE FOR PAROLE CONSIDERATION AND MAY NOT BE
3 GRANTED PAROLE AT ANY TIME DURING THE INMATE'S SENTENCE IF:

4 (I) THE INMATE IS SERVING A TERM OF IMPRISONMENT AS A
5 RESULT OF A CONVICTION FOR A VIOLATION OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF
6 THE CRIMINAL LAW ARTICLE; AND

7 (II) THE VICTIM WAS A CHILD UNDER THE AGE OF 16 YEARS.

8 (2) THIS SUBSECTION DOES NOT RESTRICT THE AUTHORITY OF THE
9 GOVERNOR TO PARDON OR REMIT ANY PART OF A SENTENCE UNDER § 7-601 OF THIS
10 TITLE.

11 11-502.

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

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

20 (1) THE INMATE IS SENTENCED AS THE RESULT OF A CONVICTION FOR
21 VIOLATION OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE;
22 AND

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
25 construed to apply only prospectively and may not be applied or interpreted to have
26 any effect on or application to any offense committed before the effective date of this
27 Act.

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