

SENATE BILL 800

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SB 674/01 - JPR

2002 Regular Session
2lr1541

By: **Senators Ferguson, Colburn, Hafer, Haines, Harris, Hooper, Jacobs, Kittleman, Mooney, Munson, Roesser, Schrader, and Stoltzfus**

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 21, 2002

CHAPTER _____

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)

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

3 **Article - Correctional Services**

4 3-702.

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

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

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

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

16 7-301.

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

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

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

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

29 (b) Except as provided in subsection (c) of this section, if an inmate has been
30 sentenced to a term of imprisonment during which the inmate is eligible for parole
31 and a term of imprisonment during which the inmate is not eligible for parole, the
32 inmate is not eligible for parole consideration under subsection (a) of this section until
33 the inmate has served the greater of:

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

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

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

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

7 2. one-fourth of the inmate's total aggregate sentence.

8 (ii) An inmate who has been sentenced to the Division of Correction
9 after being convicted of a violent crime committed on or after October 1, 1994, and
10 who has been sentenced to more than one term of imprisonment, including a term
11 during which the inmate is eligible for parole and a term during which the inmate is
12 not eligible for parole, is not eligible for parole until the inmate has served the greater
13 of:

14 1. one-half of the inmate's aggregate sentence for violent
15 crimes;

16 2. one-fourth of the inmate's total aggregate sentence; or

17 3. a period equal to the term during which the inmate is not
18 eligible for parole.

19 (2) An inmate who is serving a term of imprisonment for a violent crime
20 committed on or after October 1, 1994, shall receive an administrative review of the
21 inmate's progress in the correctional facility after the inmate has served the greater
22 of:

23 (i) one-fourth of the inmate's aggregate sentence; or

24 (ii) if the inmate is serving a term of imprisonment that includes a
25 mandatory term during which the inmate is not eligible for parole, a period equal to
26 the term during which the inmate is not eligible for parole.

27 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an
28 inmate who has been sentenced to life imprisonment is not eligible for parole
29 consideration until the inmate has served 15 years or the equivalent of 15 years
30 considering the allowances for diminution of the inmate's term of confinement under
31 § 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

32 (2) An inmate who has been sentenced to life imprisonment as a result of
33 a proceeding under Article 27, § 413 is not eligible for parole consideration until the
34 inmate has served 25 years or the equivalent of 25 years considering the allowances
35 for diminution of the inmate's term of confinement under § 6-218 of the Criminal
36 Procedure Article and Title 3, Subtitle 7 of this article.

37 (3) (i) If an inmate has been sentenced to imprisonment for life
38 without the possibility of parole under Article 27, § 412 or § 413 of the Code, the

1 inmate is not eligible for parole consideration and may not be granted parole at any
2 time during the inmate's sentence.

3 (ii) This paragraph does not restrict the authority of the Governor
4 to pardon or remit any part of a sentence under § 7-601 of this title.

5 (4) If eligible for parole under this subsection, an inmate serving a term
6 of life imprisonment may only be paroled with the approval of the Governor.

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

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

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

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

17 11-502.

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

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

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

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

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

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

