
By: **Delegates Anderson and Marriott**

Introduced and read first time: January 14, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Corrections - Diminution of Confinement Credits - Controlled Dangerous**
3 **Substances Offenses, Drug Treatment, and Local Correctional Facilities**

4 FOR the purpose of increasing the number of certain diminution credits that an
5 inmate with a term of confinement that includes a sentence for a conviction of
6 certain controlled dangerous substances offenses is entitled to receive under
7 certain circumstances; providing that an inmate may be allowed a certain
8 deduction from the inmate's term of confinement for each calendar month
9 during which the inmate manifests satisfactory progress in a drug treatment
10 program; providing that a certain deduction shall be calculated from a certain
11 date; increasing the deduction that an inmate of a local correctional facility shall
12 be allowed from the inmate's term of confinement for each month of presentence
13 confinement during which the inmate meets certain requirements; increasing
14 the initial deduction that a certain inmate shall be allowed from the inmate's
15 term of confinement for each month of postsentence confinement under certain
16 circumstances; providing for the application of this Act; and generally relating to
17 diminution of confinement credits.

18 BY repealing and reenacting, with amendments,
19 Article - Correctional Services
20 Section 3-704, 3-707, 11-503, and 11-504
21 Annotated Code of Maryland
22 (1999 Volume and 2004 Supplement)

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

25 **Article - Correctional Services**

26 3-704.

27 (a) An inmate shall be allowed a deduction in advance from the inmate's term
28 of confinement.

1 (b) (1) The deduction allowed under subsection (a) of this section shall be
2 calculated:

3 (i) from the first day of commitment to the custody of the
4 Commissioner through the last day of the inmate's term of confinement;

5 (ii) except as provided in paragraph (2) of this subsection, at the
6 rate of 10 days for each calendar month; and

7 (iii) on a prorated basis for any portion of a calendar month.

8 (2) If an inmate's term of confinement includes a consecutive or
9 concurrent sentence for a crime of violence as defined in § 14-101 of the Criminal Law
10 Article or a [crime of manufacturing, distributing, dispensing, or possessing a
11 controlled dangerous substance in violation of §§ 5-602 through 5-609, § 5-612,]
12 **CONVICTION INVOLVING A CONTROLLED DANGEROUS SUBSTANCE IMPOSED UNDER**
13 **§ 5-608(C) OR (D), § 5-609(C) OR (D), § 5-612, or § 5-613 of the Criminal Law Article, the**
14 deduction described in subsection (a) of this section shall be calculated at the rate of
15 5 days for each calendar month.

16 (c) A deduction under this section may not be allowed for a period during
17 which an inmate does not receive credit for service of the inmate's term of
18 confinement, including a period:

19 (1) during which the inmate's sentence is stayed;

20 (2) during which the inmate is not in the custody of the Commissioner
21 because of escape; or

22 (3) for which the Maryland Parole Commission has declined to grant
23 credit after revocation of parole or mandatory supervision.

24 3-707.

25 (a) In addition to any other deductions allowed under this subtitle, an inmate
26 may be allowed a deduction of:

27 (1) up to 10 days from the inmate's term of confinement for each
28 calendar month during which the inmate manifests satisfactory progress in those
29 special selected work projects or other special programs designated by the
30 Commissioner and approved by the Secretary; AND

31 (2) **5 DAYS FROM THE INMATE'S TERM OF CONFINEMENT FOR EACH**
32 **CALENDAR MONTH DURING WHICH THE INMATE MANIFESTS SATISFACTORY**
33 **PROGRESS IN A DRUG TREATMENT PROGRAM.**

34 (b) A deduction described in subsection (a) of this section shall be calculated:

35 (1) from the first day that the inmate is assigned to the work project,
36 **OTHER SPECIAL PROGRAM, or DRUG TREATMENT program; and**

1 (2) on a prorated basis for any portion of the calendar month during
2 which the inmate participates in the work project, OTHER SPECIAL PROGRAM, or
3 DRUG TREATMENT program.

4 11-503.

5 (a) An inmate shall be allowed a deduction of [5] 10 days from the inmate's
6 term of confinement for each calendar month of presentence confinement during
7 which the inmate:

8 (1) does not violate the rules of discipline; and

9 (2) labors with diligence and fidelity when the opportunity for labor is
10 available.

11 (b) The deductions described in this section shall:

12 (1) begin on the day the inmate arrives at the local correctional facility;

13 (2) be made on a prorated basis for any portion of a calendar month of
14 presentence confinement during which the inmate is committed to the local
15 correctional facility; and

16 (3) cease on the day the inmate is:

17 (i) sentenced to a local correctional facility;

18 (ii) committed to the custody of the Commissioner of Correction; or

19 (iii) released.

20 11-504.

21 (a) An inmate who is sentenced to a local correctional facility shall be allowed
22 an initial deduction from the inmate's term of confinement.

23 (b) The deduction described in subsection (a) of this section shall be
24 calculated:

25 (1) from the first day of the inmate's postsentence commitment to the
26 custody of the local correctional facility to the last day of the inmate's maximum term
27 of confinement;

28 (2) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, at the
29 rate of [5] 10 days for each calendar month; and

30 (3) on a prorated basis for any portion of a calendar month.

31 (C) THE DEDUCTION DESCRIBED IN SUBSECTION (A) OF THIS SECTION SHALL
32 BE CALCULATED AT THE RATE OF 5 DAYS FOR EACH CALENDAR MONTH IF AN

1 INMATE'S TERM OF COMMITMENT INCLUDES A CONSECUTIVE OR CONCURRENT
2 SENTENCE FOR:

3 (1) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL
4 LAW ARTICLE; OR

5 (2) A CONVICTION INVOLVING A CONTROLLED DANGEROUS SUBSTANCE
6 IMPOSED UNDER § 5-608(C) OR (D), § 5-609(C) OR (D), § 5-612, OR § 5-613 OF THE
7 CRIMINAL LAW ARTICLE.

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

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2005.