

HOUSE BILL 621

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8lr0672

By: **Delegates McDonough, DeBoy, Elliott, Kipke, Krebs, and Sossi**

Introduced and read first time: February 1, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Truth in Sentencing Act**

3 FOR the purpose of prohibiting the earning of diminution credits to reduce the term of
4 confinement of an inmate committed to the custody of the Commissioner of
5 Correction or sentenced to a term of imprisonment in a local correctional facility
6 if the inmate has been convicted of murder, rape, or a second or subsequent
7 commission of certain crimes of violence; providing for the application of this
8 Act; and generally relating to the earning of diminution credits by inmates
9 convicted of murder, rape, or a second or subsequent commission of certain
10 crimes of violence.

11 BY repealing and reenacting, with amendments,
12 Article – Correctional Services
13 Section 3–702 and 11–502
14 Annotated Code of Maryland
15 (1999 Volume and 2007 Supplement)

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

18 **Article – Correctional Services**

19 3–702.

20 (A) Subject to **SUBSECTION (B) OF THIS SECTION**, § 3–711 of this [subtitle]
21 **SUBTITLE**, and Title 7, Subtitle 5 of this article, an inmate committed to the custody
22 of the Commissioner is entitled to a diminution of the inmate's term of confinement as
23 provided under this subtitle.

24 (B) **AN INMATE IS NOT ENTITLED TO A DIMINUTION OF THE INMATE'S**
25 **TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE IF THE INMATE'S**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



TERM OF CONFINEMENT INCLUDES A CONSECUTIVE OR CONCURRENT SENTENCE FOR:

(1) MURDER IN THE FIRST DEGREE;

(2) MURDER IN THE SECOND DEGREE;

(3) RAPE IN THE FIRST DEGREE;

(4) RAPE IN THE SECOND DEGREE; OR

(5) A SECOND OR SUBSEQUENT COMMISSION OF A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE.

11-502.

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

(B) AN INMATE MAY NOT BE ALLOWED DEDUCTIONS FROM THE INMATE'S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY IF THE INMATE'S TERM OF CONFINEMENT INCLUDES A CONSECUTIVE OR CONCURRENT SENTENCE FOR:

(1) MURDER IN THE FIRST DEGREE;

(2) MURDER IN THE SECOND DEGREE;

(3) RAPE IN THE FIRST DEGREE;

(4) RAPE IN THE SECOND DEGREE; OR

(5) A SECOND OR SUBSEQUENT COMMISSION OF A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE.

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

