

HOUSE BILL 851

E2
HB 1195/07 – JUD

8lr1732

By: **Delegates Anderson, Vallario, Barnes, Carter, Conaway, Lee, Rosenberg,
Schuler, Simmons, and Valderrama**

Introduced and read first time: February 6, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Local Correctional Facilities – Diminution Credits – Good Conduct**

3 FOR the purpose of increasing the allowed deduction each month from an inmate's
4 term of confinement for each calendar month of presentence confinement for
5 good conduct in a local correctional facility; increasing the allowed deduction
6 each month from an inmate's term of confinement for each calendar month of
7 postsentence commitment for good conduct for certain inmates in a local
8 correctional facility; providing an exception for certain inmates whose sentence
9 is for committing certain crimes; providing for the application of this Act; and
10 generally relating to diminution credits for certain inmates of certain
11 correctional facilities.

12 BY repealing and reenacting, with amendments,
13 Article – Correctional Services
14 Section 11–503 and 11–504
15 Annotated Code of Maryland
16 (1999 Volume and 2007 Supplement)

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

19 **Article – Correctional Services**

20 11–503.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

10 (i) sentenced to a local correctional facility;

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

13 (iii) released.

14 11-504.

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

17 (b) (1) The deduction described in subsection (a) of this section shall be
18 calculated:

19 [(1)] (I) from the first day of the inmate's postsentence commitment
20 to the custody of the local correctional facility to the last day of the inmate's maximum
21 term of confinement;

22 [(2)] (II) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
23 **SUBSECTION**, at the rate of [5] **10** days for each calendar month; and

24 [(3)] (III) on a prorated basis for any portion of a calendar month.

25 (2) **IF AN INMATE'S TERM OF CONFINEMENT INCLUDES A**
26 **CONSECUTIVE OR CONCURRENT SENTENCE FOR A CRIME OF VIOLENCE AS**
27 **DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE OR A CRIME OF**
28 **MANUFACTURING, DISTRIBUTING, DISPENSING, OR POSSESSING A CONTROLLED**
29 **DANGEROUS SUBSTANCE IN VIOLATION OF §§ 5-602 THROUGH 5-609, § 5-612,**
30 **OR § 5-613 OF THE CRIMINAL LAW ARTICLE, THE DEDUCTION DESCRIBED IN**
31 **PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE CALCULATED AT THE RATE**
32 **OF 5 DAYS FOR EACH CALENDAR MONTH.**

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

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