

HOUSE BILL 581

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9lr1280
CF SB 354

By: **Delegates Kramer, Dwyer, McComas, Reznik, Shank, and Smigiel**

Introduced and read first time: February 6, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Crimes of Violence – Diminution Credits**

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

10 BY repealing and reenacting, with amendments,
11 Article – Correctional Services
12 Section 3–702 and 11–502
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2008 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Correctional Services
17 Section 7–301(c)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2008 Supplement)

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

22 **Article – Correctional Services**

23 3–702.

24 (A) Subject to **SUBSECTION (B) OF THIS SECTION**, § 3–711 of this [subtitle]
25 **SUBTITLE**, and Title 7, Subtitle 5 of this article, an inmate committed to the custody

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **(B) AN INMATE MAY NOT RECEIVE MORE THAN 15% OF A DIMINUTION**
4 **OF THE INMATE’S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE**
5 **IF:**

6 **(1) THE INMATE’S TERM OF CONFINEMENT INCLUDES A**
7 **CONSECUTIVE OR CONCURRENT SENTENCE FOR THE COMMISSION OF A CRIME**
8 **OF VIOLENCE AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE; AND**

9 **(2) THE INMATE IS NOT GRANTED PAROLE ON COMPLETION OF**
10 **ONE–HALF OF THE INMATE’S AGGREGATE SENTENCE FOR VIOLENT CRIMES.**

11 7–301.

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

- 16 1. one–half of the inmate’s aggregate sentence for
17 violent crimes; or
- 18 2. one–fourth of the inmate’s total aggregate sentence.

19 (ii) An inmate who has been sentenced to the Division of
20 Correction after being convicted of a violent crime committed on or after October 1,
21 1994, and who has been sentenced to more than one term of imprisonment, including a
22 term during which the inmate is eligible for parole and a term during which the
23 inmate is not eligible for parole, is not eligible for parole until the inmate has served
24 the greater of:

- 25 1. one–half of the inmate’s aggregate sentence for
26 violent crimes;
- 27 2. one–fourth of the inmate’s total aggregate sentence;
28 or
- 29 3. a period equal to the term during which the inmate is
30 not eligible for parole.

31 (2) An inmate who is serving a term of imprisonment for a violent
32 crime committed on or after October 1, 1994, shall receive an administrative review of
33 the inmate’s progress in the correctional facility after the inmate has served the
34 greater of:

- 1 (i) one-fourth of the inmate's aggregate sentence; or
- 2 (ii) if the inmate is serving a term of imprisonment that
- 3 includes a mandatory term during which the inmate is not eligible for parole, a period
- 4 equal to the term during which the inmate is not eligible for parole.

5 11-502.

6 (A) [An] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN**

7 inmate who has been sentenced to a term of imprisonment shall be allowed deductions

8 from the inmate's term of confinement as provided under this subtitle for any period of

9 presentence or postsentence confinement in a local correctional facility.

10 (B) **AN INMATE MAY NOT BE ALLOWED DEDUCTIONS OF MORE THAN**

11 **15% FROM THE INMATE'S TERM OF CONFINEMENT AS PROVIDED UNDER THIS**

12 **SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR POSTSENTENCE**

13 **CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY IF:**

14 (1) **THE INMATE'S TERM OF CONFINEMENT INCLUDES A**

15 **CONSECUTIVE OR CONCURRENT SENTENCE FOR THE COMMISSION OF A CRIME**

16 **OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE; AND**

17 (2) **THE INMATE IS NOT GRANTED PAROLE ON COMPLETION OF**

18 **ONE-HALF OF THE INMATE'S AGGREGATE SENTENCE FOR VIOLENT CRIMES.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be

20 construed to apply only prospectively and may not be applied or interpreted to have

21 any effect on or application to any offense committed before the effective date of this

22 Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect

24 October 1, 2009.