

HOUSE BILL 1129

E4

9lr1541

By: **Delegate Rosenberg**

Introduced and read first time: February 13, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Diminution Credits – Educational Programs and**
3 **Work Tasks**

4 FOR the purpose of reducing the number of days for which certain deductions from a
5 certain inmate's term of confinement are calculated; adding to the list of crimes
6 for which, if a certain inmate's term of confinement includes a sentence for the
7 offense, a certain deduction is calculated at a reduced rate; increasing the
8 number of days that a certain inmate may earn as a deduction from the
9 inmate's term of confinement under certain circumstances; providing that a
10 certain inmate shall receive a certain deduction from the inmate's term of
11 confinement if the inmate obtains a certain diploma or degree; providing that a
12 certain deduction may not count toward a certain maximum deduction; reducing
13 the number of days that a certain inmate may earn as a deduction from the
14 inmate's term of confinement under certain circumstances; providing that a
15 certain provision of law authorizing the Division of Correction to revoke a
16 portion or all of certain diminution credits under certain circumstances does not
17 apply to diminution credits awarded under a certain provision of law; repealing
18 a provision of law authorizing the Division of Correction to adopt certain
19 regulations; repealing a requirement that a certain inmate manifest satisfactory
20 industry and application in a certain course in order to earn a certain deduction;
21 providing that a certain inmate may not be allowed a certain deduction of more
22 than a certain number of days, with a certain exception; providing that a certain
23 managing official may revoke some or all of the diminution credits earned under
24 a certain provision of law under certain circumstances; providing that a certain
25 provision of law authorizing a certain managing official to revoke a portion or
26 all of certain diminution credits under certain circumstances does not apply to
27 diminution credits awarded under a certain provision of law; authorizing a
28 certain managing official to restore certain revoked diminution credits; making
29 stylistic changes; and generally relating to diminution credits for inmates in
30 correctional facilities.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–704 through 3–709, 11–505, and 11–507
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY adding to
Article – Correctional Services
Section 3–706.1, 11–505.1, and 11–506.1
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY repealing
Article – Correctional Services
Section 9–506
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Correctional Services
Section 11–501 through 11–504 and 11–506
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

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

Article – Correctional Services

3–704.

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

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

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

(ii) except as provided in paragraph (2) of this subsection, at the rate of [10] 7 days for each calendar month; and

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

(2) If an inmate's term of confinement includes a consecutive or concurrent sentence for a crime of violence as defined in § 14–101 of the Criminal Law Article or a crime of manufacturing, distributing, dispensing, or possessing a

controlled dangerous substance in violation of [§§ 5-602 through 5-609, § 5-612, or § 5-613] **§ 5-602, § 5-603, § 5-604, § 5-605, § 5-606, § 5-607, § 5-608, § 5-609, § 5-610, § 5-612, § 5-613, OR § 5-614** of the Criminal Law Article, the deduction described in subsection (a) of this section shall be calculated at the rate of [5] **2** days for each calendar month.

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

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

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

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

3-705.

(a) (1) In addition to any other deductions allowed under this subtitle, an inmate may be allowed a deduction of [5] **7** days from the inmate's term of confinement for each calendar month during which the inmate manifests satisfactory performance of assigned work tasks.

(2) The deduction described in paragraph (1) of this subsection shall be calculated:

(i) from the first day that the work task is performed; and

(ii) on a prorated basis for any portion of a calendar month during which the inmate performed the work task.

(b) The Commissioner shall adopt regulations governing the determination of deductions authorized under this section.

3-706.

(a) In addition to any other deductions allowed under this subtitle, an inmate may be allowed a deduction of [5] **7** days from the inmate's term of confinement for each calendar month during which the inmate manifests satisfactory progress in:

(1) vocational courses; or

(2) other educational and training courses.

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

(1) from the first day that the inmate participates in the course; and

(2) on a prorated basis for any portion of the calendar month during which the inmate participates in the course.

3-706.1.

(A) IN ADDITION TO ANY OTHER DEDUCTIONS ALLOWED UNDER THIS SUBTITLE, AN INMATE SHALL RECEIVE A DEDUCTION OF 30 DAYS FROM THE INMATE'S TERM OF CONFINEMENT IF THE INMATE SUCCESSFULLY COMPLETES AN EDUCATIONAL PROGRAM AND OBTAINS:

(1) A GENERAL EDUCATIONAL DEVELOPMENT (GED) DIPLOMA;

(2) A HIGH SCHOOL DIPLOMA; OR

(3) AN ASSOCIATE'S DEGREE OR ITS EQUIVALENT.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE DEDUCTION EARNED UNDER THIS SECTION MAY NOT COUNT TOWARD THE MAXIMUM DEDUCTION ALLOWED PER MONTH UNDER § 3-708 OF THIS SUBTITLE.

3-707.

(a) In addition to any other deductions allowed under this subtitle, an inmate may be allowed a deduction of up to [10] 7 days from the inmate's term of confinement for each calendar month during which the inmate manifests satisfactory progress in those special selected work projects or other special programs designated by the Commissioner and approved by the Secretary.

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

(1) from the first day that the inmate is assigned to the work project or program; and

(2) on a prorated basis for any portion of the calendar month during which the inmate participates in the work project or program.

3-708.

1 Notwithstanding any other provision of this subtitle **AND EXCEPT AS**
2 **PROVIDED IN § 3-706.1 OF THIS SUBTITLE**, an inmate may not be allowed a
3 deduction under this subtitle of more than 20 days for a calendar month.

4 3-709.

5 (a) If an inmate violates the applicable rules of discipline, the Division may
6 revoke a portion or all of the diminution credits awarded under §§ 3-704 (good
7 conduct) and 3-707 (special projects) of this subtitle according to the nature and
8 frequency of the violation.

9 (b) This section does not affect the diminution credits awarded under §§
10 3-705 (work tasks) [and], 3-706 (education), **OR 3-706.1 (ATTAINING A DIPLOMA)**
11 of this subtitle.

12 (c) (1) The Division may restore diminution credits revoked under this
13 section.

14 (2) The Commissioner shall adopt regulations governing the
15 restoration of revoked diminution credits.

16 [9-506.

17 The Division of Correction may adopt regulations, applicable to each inmate
18 who is employed in public work under this subtitle, that grant an additional good
19 behavior allowance to the inmate conditioned on the inmate's good deportment and
20 compliance with the regulations adopted by the Division of Correction for the
21 management and control of inmates employed in public work.]

22 11-501.

23 In this subtitle, the provisions that apply to a local correctional facility also
24 apply to the Baltimore City Detention Center.

25 11-502.

26 An inmate who has been sentenced to a term of imprisonment shall be allowed
27 deductions from the inmate's term of confinement as provided under this subtitle for
28 any period of presentence or postsentence confinement in a local correctional facility.

29 11-503.

30 (a) An inmate shall be allowed a deduction of 5 days from the inmate's term
31 of confinement for each calendar month of presentence confinement during which the
32 inmate:

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

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

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

22 (2) at the rate of 5 days for each calendar month; and

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

24 11-505.

25 (a) In addition to any other deductions allowed under this subtitle, an
26 inmate may be allowed a deduction of 5 days from the inmate's term of confinement
27 for each calendar month of presentence or postsentence confinement during which the
28 inmate manifests:

29 (1) exceptional industry, application, and skill in the performance of
30 any industrial, agricultural, or administrative tasks assigned to the inmate; or

(2) satisfactory [industry, application, and] progress in a vocational or other educational or training course.

(b) The deductions described in subsection (a) of this section shall:

(1) begin on the first day that the task is performed or the course is taken;

(2) be made on a prorated basis for any portion of a calendar month during which the inmate performed the task or attended the course; and

(3) cease on the day the inmate is:

(i) committed to the custody of the Commissioner of Correction; or

(ii) released.

11-505.1.

(A) IN ADDITION TO ANY OTHER DEDUCTIONS ALLOWED UNDER THIS SUBTITLE, AN INMATE SHALL RECEIVE A DEDUCTION OF 15 DAYS FROM THE INMATE'S TERM OF CONFINEMENT IF THE INMATE SUCCESSFULLY COMPLETES AN EDUCATIONAL PROGRAM AND OBTAINS:

(1) A GENERAL EDUCATIONAL DEVELOPMENT (GED) DIPLOMA;

(2) A HIGH SCHOOL DIPLOMA; OR

(3) AN ASSOCIATE'S DEGREE OR ITS EQUIVALENT.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE DEDUCTION EARNED UNDER THIS SECTION MAY NOT COUNT TOWARD THE MAXIMUM DEDUCTION ALLOWED PER MONTH UNDER § 11-506.1 OF THIS SUBTITLE.

11-506.

(a) (1) In addition to any other deductions allowed under this subtitle, an inmate may be allowed a deduction of not more than 5 days from the inmate's term of confinement for each calendar month or portion of a calendar month of presentence or postsentence confinement during which an inmate manifests satisfactory industry, application, and progress in special selected work projects or other special programs.

(2) The deduction described in paragraph (1) of this subsection shall be calculated from the first day that an inmate is assigned a project or program.

(b) The managing official of a local correctional facility shall designate the projects and programs that make an inmate eligible for diminution credits under this section.

11-506.1.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE AND EXCEPT AS PROVIDED IN § 11-505.1 OF THIS SUBTITLE, AN INMATE MAY NOT BE ALLOWED A DEDUCTION UNDER THIS SUBTITLE OF MORE THAN 15 DAYS FOR A CALENDAR MONTH.

11-507.

(a) If an inmate violates the rules of discipline of a local correctional facility, the managing official, for each violation, may revoke some or all of the diminution credits awarded under § 11-503 (presentence good conduct) [or], § 11-504 (postsentence good conduct), **OR § 11-506 (SPECIAL PROJECTS)** of this subtitle for the month in which the violation occurs.

(b) In addition to the revocation authorized under subsection (a) of this section, if a violation is aggravated or the inmate commits frequent violations, the managing official may revoke some or all of the diminution credits awarded under § 11-503 (presentence good conduct) [or], § 11-504 (postsentence good conduct), **OR § 11-506 (SPECIAL PROJECTS)** of this subtitle.

(c) This section does not affect the diminution credits awarded under [§§ 11-505 (industrial, agricultural, or administrative tasks) and 11-506 (special selected work projects)] **§ 11-505 (WORK TASKS AND EDUCATION) OR § 11-505.1 (ATTAINING A DIPLOMA)** of this subtitle.

(d) A managing official may not revoke diminution credits awarded to an inmate unless the inmate is afforded due process of law before the revocation.

(E) A MANAGING OFFICIAL MAY RESTORE DIMINUTION CREDITS REVOKED UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.