

# SENATE BILL 354

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9lr1157  
CF 9lr1280

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By: **Senators King, Brochin, DeGrange, Forehand, Garagiola, Madaleno, Peters, and Robey**

Introduced and read first time: January 29, 2009

Assigned to: Judicial Proceedings

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## 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.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

11                   **(2) THE INMATE IS NOT GRANTED PAROLE ON COMPLETION OF**  
12 **ONE-HALF OF THE INMATE'S AGGREGATE SENTENCE FOR VIOLENT CRIMES.**

13 7-301.

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

18                                   1. one-half of the inmate's aggregate sentence for  
19 violent crimes; or

20                                   2. one-fourth of the inmate's total aggregate sentence.

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

27                                   1. one-half of the inmate's aggregate sentence for  
28 violent crimes;

29                                   2. one-fourth of the inmate's total aggregate sentence;

30 or

31                                   3. a period equal to the term during which the inmate is  
32 not eligible for parole.

33           (2) An inmate who is serving a term of imprisonment for a violent  
34 crime committed on or after October 1, 1994, shall receive an administrative review of

1 the inmate's progress in the correctional facility after the inmate has served the  
2 greater of:

3 (i) one-fourth of the inmate's aggregate sentence; or

4 (ii) if the inmate is serving a term of imprisonment that  
5 includes a mandatory term during which the inmate is not eligible for parole, a period  
6 equal to the term during which the inmate is not eligible for parole.

7 11-502.

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

12 (B) **AN INMATE MAY NOT BE ALLOWED DEDUCTIONS OF MORE THAN**  
13 **15% FROM THE INMATE'S TERM OF CONFINEMENT AS PROVIDED UNDER THIS**  
14 **SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR POSTSENTENCE**  
15 **CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY IF:**

16 (1) **THE INMATE'S TERM OF CONFINEMENT INCLUDES A**  
17 **CONSECUTIVE OR CONCURRENT SENTENCE FOR THE COMMISSION OF A CRIME**  
18 **OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE; AND**

19 (2) **THE INMATE IS NOT GRANTED PAROLE ON COMPLETION OF**  
20 **ONE-HALF OF THE INMATE'S AGGREGATE SENTENCE FOR VIOLENT CRIMES.**

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

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2009.