

HOUSE BILL 1229

E4

0lr1252

By: **Delegates Beidle, Dwyer, Kipke, Love, Schuh, and Sophocleus**

Introduced and read first time: February 18, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Truth in Sentencing – Criminal Gangs and Gun Crimes**

3 FOR the purpose of prohibiting the earning of diminution credits by an inmate who is
4 serving a sentence for violating a certain offense prohibiting participation in a
5 criminal gang if the inmate's sentence includes a consecutive or concurrent
6 sentence for certain offenses involving a firearm; providing for the application of
7 this Act; and generally relating to the earning of diminution credits.

8 BY repealing and reenacting, with amendments,
9 Article – Correctional Services
10 Section 3–702
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2009 Supplement)

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

15 **Article – Correctional Services**

16 3–702.

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

21 (B) **AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION OF §**
22 **9–804 OF THE CRIMINAL LAW ARTICLE IS NOT ENTITLED TO A DIMINUTION OF**
23 **THE INMATE'S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE IF**
24 **THE INMATE'S TERM OF CONFINEMENT INCLUDES A CONSECUTIVE OR**
25 **CONCURRENT SENTENCE FOR:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) WEARING, CARRYING, OR TRANSPORTING A HANDGUN UNDER**
2 **§ 4-203 OF THE CRIMINAL LAW ARTICLE;**

3 **(2) USE OF A HANDGUN OR AN ANTIQUE FIREARM IN COMMISSION**
4 **OF A CRIME UNDER § 4-204 OF THE CRIMINAL LAW ARTICLE;**

5 **(3) VIOLATING PROHIBITIONS RELATING TO ASSAULT PISTOLS**
6 **UNDER § 4-303 OF THE CRIMINAL LAW ARTICLE;**

7 **(4) USE OF A MACHINE GUN IN A CRIME OF VIOLENCE UNDER §**
8 **4-404 OF THE CRIMINAL LAW ARTICLE;**

9 **(5) USE OF A MACHINE GUN FOR AN AGGRESSIVE PURPOSE**
10 **UNDER § 4-405 OF THE CRIMINAL LAW ARTICLE;**

11 **(6) USE OF A WEAPON AS A SEPARATE CRIME UNDER § 5-621 OF**
12 **THE CRIMINAL LAW ARTICLE;**

13 **(7) POSSESSION OF A REGULATED FIREARM UNDER § 5-133 OF**
14 **THE PUBLIC SAFETY ARTICLE; OR**

15 **(8) TRANSPORTING A REGULATED FIREARM FOR UNLAWFUL SALE**
16 **OR TRAFFICKING UNDER § 5-140 OF THE PUBLIC SAFETY ARTICLE.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2010.