

SENATE BILL 395

E2, E4

0lr2355
CF HB 253

By: **Senators Brochin, Mooney, and Stone**

Introduced and read first time: January 29, 2010

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Diminution Credits – Inmate Serving Sentence for**
3 **Rape of Minor or First- or Second-Degree Sexual Offense Against Minor**

4 FOR the purpose of prohibiting the earning of diminution credits to reduce the term of
5 confinement of an inmate who is serving a sentence in a State or local
6 correctional facility for committing a certain sexual crime against a minor; and
7 generally relating to the elimination of diminution credits for persons serving
8 sentences for committing certain sexual crimes against minors.

9 BY repealing and reenacting, with amendments,
10 Article – Correctional Services
11 Section 3–702 and 11–502
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2009 Supplement)

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

16 **Article – Correctional Services**

17 3–702.

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

22 **(B) AN INMATE WHO IS SERVING A SENTENCE FOR THE RAPE OF A**
23 **MINOR OR A SEXUAL OFFENSE AGAINST A MINOR IN THE FIRST OR SECOND**
24 **DEGREE UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE IS NOT**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 ENTITLED TO A DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT AS
2 PROVIDED UNDER THIS SUBTITLE.

3 11-502.

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

8 (B) AN INMATE WHO IS SERVING A SENTENCE FOR THE RAPE OF A
9 MINOR OR A SEXUAL OFFENSE AGAINST A MINOR IN THE FIRST OR SECOND
10 DEGREE UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE MAY NOT
11 BE ALLOWED DEDUCTIONS FROM THE INMATE'S TERM OF CONFINEMENT AS
12 PROVIDED UNDER THIS SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR
13 POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY.

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