

SENATE BILL 395

E2, E4

0lr2355
CF HB 253

By: **Senators Brochin, Mooney, ~~and Stone~~ Stone, Forehand, Jacobs, Muse, and Simonaire**

Introduced and read first time: January 29, 2010

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 31, 2010

CHAPTER _____

1 AN ACT concerning

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

5 FOR the purpose of prohibiting the earning of diminution credits to reduce the term of
6 confinement of an inmate who is serving a sentence in a State or local
7 correctional facility for committing a certain sexual crime against a ~~minor~~
8 victim who is a child under a certain age; providing for the construction of a
9 certain provision of this Act; providing for the application of this Act; and
10 generally relating to the elimination of diminution credits for persons serving
11 sentences for committing certain sexual crimes against ~~minors~~ children.

12 BY repealing and reenacting, with amendments,
13 Article – Correctional Services
14 Section 3–702 and 11–502
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2009 Supplement)

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

19 **Article – Correctional Services**

20 3–702.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

5 (B) ~~AN INMATE WHO IS SERVING A SENTENCE FOR THE RAPE OF A~~
6 ~~MINOR OR A SEXUAL OFFENSE AGAINST A MINOR IN THE FIRST OR SECOND~~
7 ~~DEGREE UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE A~~
8 ~~VIOLATION OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF THE CRIMINAL LAW~~
9 ~~ARTICLE INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 16 YEARS IS~~
10 NOT ENTITLED TO A DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT AS
11 PROVIDED UNDER THIS SUBTITLE.

12 11-502.

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

17 (B) (1) ~~AN INMATE WHO IS SERVING A SENTENCE FOR THE RAPE OF A~~
18 ~~MINOR OR A SEXUAL OFFENSE AGAINST A MINOR IN THE FIRST OR SECOND~~
19 ~~DEGREE UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE A~~
20 ~~VIOLATION OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF THE CRIMINAL LAW~~
21 ~~ARTICLE INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 16 YEARS~~
22 MAY NOT BE ALLOWED DEDUCTIONS FROM THE INMATE'S TERM OF
23 CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE FOR ANY PERIOD OF
24 PRESENTENCE OR POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL
25 FACILITY.

26 (2) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE AN
27 INMATE TO SERVE A LONGER SENTENCE OF CONFINEMENT THAN IS
28 AUTHORIZED BY THE STATUTE UNDER WHICH THE INMATE IS CONVICTED.

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

33 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
34 effect October 1, 2010.