

Chapter 183

(House Bill 599)

AN ACT concerning

Correctional Services – Repeat Child Sexual Offenders – Diminution Credits

FOR the purpose of prohibiting the earning of diminution credits to reduce the term of confinement of a certain inmate who is serving a sentence ~~for~~ in a State or local correctional facility for committing a certain sexual offense against a ~~minor~~ victim who is a child under a certain age after being previously convicted of a certain sexual offense against a ~~minor~~ victim who is a child under a certain age; providing for the construction of a certain provision of this Act; providing for the application of this Act; and generally relating to diminution credits.

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

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

Article – Correctional Services

3-702.

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

(B) **AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION OF ~~TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE IN WHICH THE VICTIM WAS A MINOR~~ § 3-307 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 16 YEARS IS NOT ENTITLED TO A DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE, IF THE INMATE WAS PREVIOUSLY CONVICTED OF A VIOLATION OF ~~TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE IN WHICH THE VICTIM WAS A MINOR~~ § 3-307 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 16 YEARS.**

11-502.

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

(B) (1) AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION OF § 3-307 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 16 YEARS, WHO HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING § 3-307 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 16 YEARS, MAY NOT BE ALLOWED DEDUCTIONS FROM THE INMATE'S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY.

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

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

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

Approved by the Governor, May 4, 2010.