

SB0281/503422/2

BY: Delegate Smigiel

AMENDMENTS TO SENATE BILL 281
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “prohibiting an inmate who is serving a sentence for a crime committed under circumstances in which the inmate used a firearm in the commission of the crime from earning diminution credits to reduce the term of confinement or being released from custody on probation or parole under certain circumstances;”.

On page 3, in line 41, after “Act;” insert “providing for the application of certain provisions of this Act;”; and after line 41, insert:

“BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–702 and 11–502
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)”.

AMENDMENT NO. 2

On page 5, after line 6, insert:

“Article – Correctional Services

3–702.

(a) Subject to subsections (b) [and], (c), AND (D) 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.

(Over)

(b) An inmate who is serving a sentence for a violation of § 3–303, § 3–304, § 3–305, or § 3–306 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.

(c) 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 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 § 3–307 of the Criminal Law Article involving a victim who is a child under the age of 16 years.

(D) (1) IN THIS SUBSECTION, “FIREARM” HAS THE MEANING STATED IN § 5–101 OF THE PUBLIC SAFETY ARTICLE.

(2) THIS SUBSECTION DOES NOT APPLY TO AN INMATE SERVING A SENTENCE BASED SOLELY ON THE UNLAWFUL POSSESSION OF A FIREARM.

(3) AN INMATE WHO IS SERVING A SENTENCE FOR A CRIME COMMITTED UNDER CIRCUMSTANCES IN WHICH THE INMATE USED A FIREARM IN THE COMMISSION OF THE CRIME IS NOT ENTITLED TO:

(I) A DIMINUTION OF THE INMATE’S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE;

(II) PROBATION; OR

(III) PAROLE.

(a) Except as provided in subsections (b) and (c) 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 § 3-303, § 3-304, § 3-305, or § 3-306 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.

(c) (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.

(D) (1) IN THIS SUBSECTION, "FIREARM" HAS THE MEANING STATED IN § 5-101 OF THE PUBLIC SAFETY ARTICLE.

(2) THIS SUBSECTION DOES NOT APPLY TO AN INMATE SERVING A SENTENCE BASED SOLELY ON THE UNLAWFUL POSSESSION OF A FIREARM.

(3) AN INMATE WHO IS SERVING A SENTENCE FOR A CRIME COMMITTED UNDER CIRCUMSTANCES IN WHICH THE INMATE USED A FIREARM IN THE COMMISSION OF THE CRIME MAY NOT BE ALLOWED DEDUCTIONS FROM THE INMATE’S TERM OF CONFINEMENT, PROBATION, OR PAROLE FOR ANY PERIOD OF PRESENTENCE OR POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY.

(4) 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 the Laws of Maryland read as follows:”.

On page 60, after line 12, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of 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 inmate who committed an offense before the effective date of this Act.”;

in lines 4 and 13, strike “2.” and “3.”, respectively, and substitute “3.” and “5.”, respectively; and in lines 14 and 16, in each instance, strike “2” and substitute “3”.