

SENATE BILL 447

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7lr0604
CF HB 520

By: **Senators Waugh and Ready**

Introduced and read first time: January 30, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Murder – Diminution Credits**

3 FOR the purpose of prohibiting the earning of diminution credits to reduce the term of
4 confinement of an inmate who is serving a sentence for murder in the first degree or
5 murder in the second degree in a State or local correctional facility; providing for the
6 application of this Act; and generally relating to diminution credits.

7 BY repealing and reenacting, with amendments,
8 Article – Correctional Services
9 Section 3–702 and 11–502
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2016 Supplement)

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

14 **Article – Correctional Services**

15 3–702.

16 (a) Subject to subsections (b) [and], (c), **AND (D)** of this section, § 3–711 of this
17 subtitle, and Title 7, Subtitle 5 of this article, an inmate committed to the custody of the
18 Commissioner is entitled to a diminution of the inmate’s term of confinement as provided
19 under this subtitle.

20 (b) An inmate who is serving a sentence for a violation of § 3–303, § 3–304, §
21 3–305, or § 3–306 of the Criminal Law Article involving a victim who is a child under the
22 age of 16 years is not entitled to a diminution of the inmate’s term of confinement as
23 provided under this subtitle.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) An inmate who is serving a sentence for a violation of § 3–307 of the Criminal
2 Law Article involving a victim who is a child under the age of 16 years is not entitled to a
3 diminution of the inmate’s term of confinement as provided under this subtitle, if the
4 inmate was previously convicted of a violation of § 3–307 of the Criminal Law Article
5 involving a victim who is a child under the age of 16 years.

6 **(D) AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION OF § 2–201**
7 **OR § 2–204 OF THE CRIMINAL LAW ARTICLE IS NOT ENTITLED TO A DIMINUTION OF**
8 **THE INMATE’S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE.**

9 11–502.

10 (a) Except as provided in subsections (b) [and], (c), AND (D) of this section, an
11 inmate who has been sentenced to a term of imprisonment shall be allowed deductions from
12 the inmate’s term of confinement as provided under this subtitle for any period of
13 presentence or postsentence confinement in a local correctional facility.

14 (b) (1) An inmate who is serving a sentence for a violation of § 3–303, § 3–304,
15 § 3–305, or § 3–306 of the Criminal Law Article involving a victim who is a child under the
16 age of 16 years may not be allowed deductions from the inmate’s term of confinement as
17 provided under this subtitle for any period of presentence or postsentence confinement in
18 a local correctional facility.

19 (2) This subsection may not be construed to require an inmate to serve a
20 longer sentence of confinement than is authorized by the statute under which the inmate
21 was convicted.

22 (c) (1) An inmate who is serving a sentence for a violation of § 3–307 of the
23 Criminal Law Article involving a victim who is a child under the age of 16 years, who has
24 previously been convicted of violating § 3–307 of the Criminal Law Article involving a
25 victim who is a child under the age of 16 years, may not be allowed deductions from the
26 inmate’s term of confinement as provided under this subtitle for any period of presentence
27 or postsentence confinement in a local correctional facility.

28 (2) This subsection may not be construed to require an inmate to serve a
29 longer sentence of confinement than is authorized by the statute under which the inmate
30 was convicted.

31 **(D) (1) AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION OF §**
32 **2–201 OR § 2–204 OF THE CRIMINAL LAW ARTICLE MAY NOT BE ALLOWED**
33 **DEDUCTIONS FROM THE INMATE’S TERM OF CONFINEMENT AS PROVIDED UNDER**
34 **THIS SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR POSTSENTENCE**
35 **CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY.**

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

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

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2017.