

# HOUSE BILL 793

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8lr2095

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By: **Delegates Malone, Arentz, McConkey, W. Miller, and Wivell**

Introduced and read first time: February 1, 2018

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Diminution Credits – Good Conduct**

3 FOR the purpose of altering a certain provision to require a certain deduction from the term  
4 of confinement of a certain inmate for good conduct to be calculated at a certain time  
5 under certain circumstances; and generally relating to diminution credits.

6 BY repealing and reenacting, with amendments,  
7 Article – Correctional Services  
8 Section 3–704, 11–503, and 11–504  
9 Annotated Code of Maryland  
10 (2017 Replacement Volume)

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

13 **Article – Correctional Services**

14 3–704.

15 (a) **[An] IF AN inmate DEMONSTRATES GOOD CONDUCT DURING A**  
16 **CALENDAR MONTH, THE INMATE** shall be allowed a deduction [in advance] from the  
17 inmate’s term of confinement.

18 (b) (1) The deduction allowed under subsection (a) of this section shall be  
19 calculated:

20 (i) [from the first day of commitment to the custody of the  
21 Commissioner through the last day of the inmate’s term of confinement] **ON THE LAST DAY**  
22 **OF EACH CALENDAR MONTH DURING THE INMATE’S TERM OF CONFINEMENT;**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) except as provided in paragraph (2) of this subsection, at the rate  
2 of 10 days for each calendar month; and

3 (iii) on a prorated basis for any portion of a calendar month.

4 (2) If an inmate's term of confinement includes a consecutive or concurrent  
5 sentence for a crime of violence as defined in § 14–101 of the Criminal Law Article or a  
6 crime of manufacturing, distributing, dispensing, or possessing a controlled dangerous  
7 substance in violation of § 5–612 or § 5–613 of the Criminal Law Article, the deduction  
8 described in subsection (a) of this section shall be calculated at the rate of 5 days for each  
9 calendar month.

10 (c) A deduction under this section may not be allowed for a period during which  
11 an inmate does not receive credit for service of the inmate's term of confinement, including  
12 a period:

13 (1) during which the inmate's sentence is stayed;

14 (2) during which the inmate is not in the custody of the Commissioner  
15 because of escape; or

16 (3) for which the Maryland Parole Commission has declined to grant credit  
17 after revocation of parole or mandatory supervision.

18 11–503.

19 (a) An inmate shall be allowed a deduction of 5 days from the inmate's term of  
20 confinement for each calendar month of presentence confinement during which the inmate:

21 (1) does not violate the rules of discipline; and

22 (2) labors with diligence and fidelity when the opportunity for labor is  
23 available.

24 (b) The deductions described in this section shall:

25 (1) **[begin on the day the inmate arrives at the local correctional facility]**  
26 **BE CALCULATED ON THE LAST DAY OF EACH CALENDAR MONTH DURING THE**  
27 **INMATE'S TERM OF CONFINEMENT;**

28 (2) be made on a prorated basis for any portion of a calendar month of  
29 presentence confinement during which the inmate is committed to the local correctional  
30 facility; and

31 (3) cease on the day the inmate is:

32 (i) sentenced to a local correctional facility;

1 (ii) committed to the custody of the Commissioner of Correction; or

2 (iii) released.

3 11-504.

4 (a) [An] IF AN inmate who is sentenced to a local correctional facility  
5 DEMONSTRATES GOOD CONDUCT DURING A CALENDAR MONTH, THE INMATE shall be  
6 allowed [an initial] A deduction from the inmate's term of confinement.

7 (b) The deduction described in subsection (a) of this section shall be calculated:

8 (1) [from the first day of the inmate's postsentence commitment to the  
9 custody of the local correctional facility to the last day of the inmate's maximum] ON THE  
10 LAST DAY OF EACH CALENDAR MONTH DURING THE INMATE'S term of confinement;

11 (2) (i) at the rate of 5 days for each calendar month if the inmate's term  
12 of confinement includes a consecutive or concurrent sentence for a crime of violence, as  
13 defined in § 14-101 of the Criminal Law Article or a crime of manufacturing, distributing,  
14 dispensing, or possessing a controlled dangerous substance in violation of § 5-612 or §  
15 5-613 of the Criminal Law Article; or

16 (ii) at the rate of 10 days for each calendar month for all other  
17 inmates; and

18 (3) on a prorated basis for any portion of a calendar month.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2018.