

SENATE BILL 1098

E5

4lr1670

By: **Senator Smith**

Introduced and read first time: February 2, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 4, 2024

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Diminution Credits – Sexual Offenses**

3 FOR the purpose of prohibiting the earning of diminution credits to reduce the term of
4 confinement of an incarcerated individual who is serving a sentence for rape in the
5 first degree in a State or local correctional facility; and generally relating to
6 diminution credits.

7 BY repealing and reenacting, without amendments,

8 Article – Correctional Services

9 Section 3–702(a) and 11–502(a)

10 Annotated Code of Maryland

11 (2017 Replacement Volume and 2023 Supplement)

12 (As enacted by Chapter 721 of the Acts of the General Assembly of 2023)

13 BY repealing and reenacting, with amendments,

14 Article – Correctional Services

15 Section 3–702(b) and 11–502(b)

16 Annotated Code of Maryland

17 (2017 Replacement Volume and 2023 Supplement)

18 (As enacted by Chapter 721 of the Acts of the General Assembly of 2023)

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

21 **Article – Correctional Services**

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 3-702.

2 (a) Subject to subsections (b) and (c) of this section, § 3-711 of this subtitle, and
3 Title 7, Subtitle 5 of this article, an incarcerated individual committed to the custody of the
4 Commissioner is entitled to a diminution of the incarcerated individual's term of
5 confinement as provided under this subtitle.

6 (b) **(1) [An] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN**
7 incarcerated individual who is serving a sentence for a violation of § 3-303 or § 3-304 of
8 the Criminal Law Article involving a victim who is a child under the age of 16 years, or an
9 incarcerated individual who is serving a sentence for a violation of § 3-305 or § 3-306 of
10 the Criminal Law Article, as the sections existed before October 1, 2017, involving a victim
11 who is a child under the age of 16 years, is not entitled to a diminution of the incarcerated
12 individual's term of confinement as provided under this subtitle.

13 **(2) AN INCARCERATED INDIVIDUAL WHO IS SERVING A SENTENCE**
14 **FOR A VIOLATION OF § 3-303 OF THE CRIMINAL LAW ARTICLE THAT OCCURRED ON**
15 **OR AFTER OCTOBER 1, 2024, IS NOT ENTITLED TO A DIMINUTION OF THE**
16 **INCARCERATED INDIVIDUAL'S TERM OF CONFINEMENT AS PROVIDED UNDER THIS**
17 **SUBTITLE.**

18 11-502.

19 (a) Except as provided in subsections (b) and (c) of this section, an incarcerated
20 individual who has been sentenced to a term of imprisonment shall be allowed deductions
21 from the incarcerated individual's term of confinement as provided under this subtitle for
22 any period of presentence or postsentence confinement in a local correctional facility.

23 (b) **(1) [An] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN**
24 incarcerated individual who is serving a sentence for a violation of § 3-303 or § 3-304 of
25 the Criminal Law Article involving a victim who is a child under the age of 16 years, or an
26 incarcerated individual who is serving a sentence for a violation of § 3-305 or § 3-306 of
27 the Criminal Law Article, as the sections existed before October 1, 2017, involving a victim
28 who is a child under the age of 16 years, may not be allowed deductions from the
29 incarcerated individual's term of confinement as provided under this subtitle for any period
30 of presentence or postsentence confinement in a local correctional facility.

31 **(2) AN INCARCERATED INDIVIDUAL WHO IS SERVING A SENTENCE**
32 **FOR A VIOLATION OF § 3-303 OF THE CRIMINAL LAW ARTICLE THAT OCCURRED ON**
33 **OR AFTER OCTOBER 1, 2024, MAY NOT BE ALLOWED DEDUCTIONS FROM THE**
34 **INCARCERATED INDIVIDUAL'S TERM OF CONFINEMENT AS PROVIDED UNDER THIS**
35 **SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR POSTSENTENCE CONFINEMENT IN**
36 **A LOCAL CORRECTIONAL FACILITY.**

37 **[(2)] (3)** This subsection may not be construed to require an incarcerated

1 individual to serve a longer sentence of confinement than is authorized by the statute under
2 which the incarcerated individual was convicted.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.