

HOUSE BILL 301

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4lr2124

By: **Delegates Embry, Addison, Allen, Amprey, Attar, Boyce, Edelson, Grammer, A. Johnson, McComas, Smith, Vogel, Wells, and Williams**

Introduced and read first time: January 15, 2024

Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

Correctional Services – Diminution of a Term of Confinement – First-Degree Rape and First-Degree Sexual Offense (Pava Marie LaPere Act)

FOR the purpose of prohibiting an incarcerated individual who is serving a sentence for first-degree rape or first-degree sexual offense as first-degree sexual offense existed prior to a certain date from being entitled to diminution of the incarcerated individual's term of confinement; and generally relating to the diminution of an incarcerated individual's term of confinement.

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 3–702

Annotated Code of Maryland

(2017 Replacement Volume and 2023 Supplement)

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(b) An incarcerated individual who is serving a sentence for a violation of [§ 3–303 or] **THE FOLLOWING PROVISIONS IS NOT ENTITLED TO A DIMINUTION OF THE INCARCERATED INDIVIDUAL’S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE:**

(1) § 3–304 of the Criminal Law Article involving a victim who is a child under the age of 16 years[, or an incarcerated individual who is serving a sentence for a violation of § 3–305 or];

(2) § 3–306 of the Criminal Law Article, as the [sections] **SECTION** existed before October 1, 2017, involving a victim who is a child under the age of 16 years[, is not entitled to a diminution of the incarcerated individual’s term of confinement as provided under this subtitle];

(3) **§ 3–303 OF THE CRIMINAL LAW ARTICLE; OR**

(4) **§ 3–305 OF THE CRIMINAL LAW ARTICLE, AS THE SECTION EXISTED BEFORE OCTOBER 1, 2017.**

(c) An incarcerated individual 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 incarcerated individual’s term of confinement as provided under this subtitle, if the incarcerated individual 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.

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