

HOUSE BILL 734

E2
HB 310/24 – JUD

5lr1481

By: **Delegates Buckel, Adams, Arentz, Baker, Beauchamp, Chisholm, Ciliberti, Christ, Grammer, Griffith, Hartman, Hinebaugh, Hornberger, Howard, Hutchinson, Jacobs, Kipke, R. Long, Mangione, McComas, Miller, M. Morgan, T. Morgan, Otto, Pippy, Reilly, Rose, Schmidt, Stonko, Szeliga, Tomlinson, Valentine, and Wivell**

Introduced and read first time: January 27, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Real Time for Violent Crime Act**

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 murder in
5 the first degree or murder in the second degree in a State or local correctional facility;
6 prohibiting a deduction of diminution credits of more than a certain percentage of an
7 incarcerated individual's aggregate sentence for crimes of violence for an
8 incarcerated individual who is serving a sentence for a crime of violence; prohibiting
9 a judicial officer from authorizing the pretrial release of a defendant who is charged
10 with a crime of violence if the defendant has a pending charge for a certain crime or
11 was previously convicted within a certain number of years of a certain crime; and
12 generally relating to crimes of violence, diminution credits, and pretrial release.

13 BY repealing and reenacting, with amendments,
14 Article – Correctional Services
15 Section 3–702, 3–708, and 11–502
16 Annotated Code of Maryland
17 (2017 Replacement Volume and 2024 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Correctional Services
20 Section 3–707(a)
21 Annotated Code of Maryland
22 (2017 Replacement Volume and 2024 Supplement)

23 BY adding to
24 Article – Correctional Services

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 11–507.1
2 Annotated Code of Maryland
3 (2017 Replacement Volume and 2024 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Criminal Procedure
6 Section 5–202
7 Annotated Code of Maryland
8 (2018 Replacement Volume and 2024 Supplement)

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

11 **Article – Correctional Services**

12 3–702.

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

17 (b) (1) Subject to paragraph (2) of this subsection, an incarcerated individual
18 who is serving a sentence for a violation of § 3–303 or § 3–304 of the Criminal Law Article
19 involving a victim who is a child under the age of 16 years, or an incarcerated individual
20 who is serving a sentence for a violation of § 3–305 or § 3–306 of the Criminal Law Article,
21 as the sections existed before October 1, 2017, involving a victim who is a child under the
22 age of 16 years, is not entitled to a diminution of the incarcerated individual’s term of
23 confinement as provided under this subtitle.

24 (2) An incarcerated individual who is serving a sentence for a violation of
25 § 3–303 of the Criminal Law Article that occurred on or after October 1, 2024, is not entitled
26 to a diminution of the incarcerated individual’s term of confinement as provided under this
27 subtitle.

28 (c) An incarcerated individual who is serving a sentence for a violation of § 3–307
29 of the Criminal Law Article involving a victim who is a child under the age of 16 years is
30 not entitled to a diminution of the incarcerated individual’s term of confinement as provided
31 under this subtitle, if the incarcerated individual was previously convicted of a violation of
32 § 3–307 of the Criminal Law Article involving a victim who is a child under the age of 16
33 years.

34 **(D) AN INCARCERATED INDIVIDUAL WHO IS SERVING A SENTENCE FOR A**
35 **VIOLATION OF § 2–201 OR § 2–204 OF THE CRIMINAL LAW ARTICLE IS NOT**
36 **ENTITLED TO A DIMINUTION OF THE INCARCERATED INDIVIDUAL’S TERM OF**
37 **CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE.**

1 3-707.

2 (a) (1) Except as provided in paragraph (2) of this subsection, in addition to
3 any other deductions allowed under this subtitle, an incarcerated individual may be
4 allowed a deduction of up to 20 days from the incarcerated individual's term of confinement
5 for each calendar month during which the incarcerated individual manifests satisfactory
6 progress in those special selected work projects or other special programs, including
7 recidivism reduction programming, designated by the Commissioner and approved by the
8 Secretary.

9 (2) The deduction described in paragraph (1) of this subsection shall be
10 calculated at the rate of up to 10 days for each calendar month, if an incarcerated
11 individual's term of confinement includes a consecutive or concurrent sentence for:

12 (i) a crime of violence, as defined in § 14-101 of the Criminal Law
13 Article;

14 (ii) a sexual offense for which registration is required under Title 11,
15 Subtitle 7 of the Criminal Procedure Article; or

16 (iii) a crime of manufacturing, distributing, dispensing, or possessing
17 a controlled dangerous substance in violation of § 5-612 or § 5-613 of the Criminal Law
18 Article.

19 3-708.

20 (A) Except as provided in § 3-706.1 of this subtitle, and notwithstanding any
21 other provision of this subtitle, an incarcerated individual may not be allowed a deduction
22 under this subtitle of more than:

23 (1) 20 days for a calendar month for an incarcerated individual described
24 in [§ 3-707(a)(2)] **§ 3-707(A)(2)(II) AND (III)** of this subtitle; and

25 (2) 30 days for a calendar month for all other incarcerated individuals.

26 (B) **AN INCARCERATED INDIVIDUAL WHO IS SERVING A SENTENCE FOR A**
27 **CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, MAY**
28 **NOT BE ALLOWED A DEDUCTION UNDER THIS SUBTITLE THAT AMOUNTS TO A**
29 **NUMBER OF DAYS THAT IS GREATER THAN 10% OF THE INCARCERATED**
30 **INDIVIDUAL'S AGGREGATE SENTENCE FOR CRIMES OF VIOLENCE.**

31 11-502.

32 (a) Except as provided in subsections (b) [and], (c), **AND (D)** of this section, an
33 incarcerated individual who has been sentenced to a term of imprisonment shall be allowed

1 deductions from the incarcerated individual's term of confinement as provided under this
2 subtitle for any period of presentence or postsentence confinement in a local correctional
3 facility.

4 (b) (1) Subject to paragraph (2) of this subsection, an incarcerated individual
5 who is serving a sentence for a violation of § 3–303 or § 3–304 of the Criminal Law Article
6 involving a victim who is a child under the age of 16 years, or an incarcerated individual
7 who is serving a sentence for a violation of § 3–305 or § 3–306 of the Criminal Law Article,
8 as the sections existed before October 1, 2017, involving a victim who is a child under the
9 age of 16 years, may not be allowed deductions from the incarcerated individual's term of
10 confinement as provided under this subtitle for any period of presentence or postsentence
11 confinement in a local correctional facility.

12 (2) An incarcerated individual who is serving a sentence for a violation of
13 § 3–303 of the Criminal Law Article that occurred on or after October 1, 2024, may not be
14 allowed deductions from the incarcerated individual's term of confinement as provided
15 under this subtitle for any period of presentence or postsentence confinement in a local
16 correctional facility.

17 (3) This subsection may not be construed to require an incarcerated
18 individual to serve a longer sentence of confinement than is authorized by the statute under
19 which the incarcerated individual was convicted.

20 (c) (1) An incarcerated individual who is serving a sentence for a violation of
21 § 3–307 of the Criminal Law Article involving a victim who is a child under the age of 16
22 years, who has previously been convicted of violating § 3–307 of the Criminal Law Article
23 involving a victim who is a child under the age of 16 years, may not be allowed deductions
24 from the incarcerated individual's term of confinement as provided under this subtitle for
25 any period of presentence or postsentence confinement in a local correctional facility.

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

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

35 **(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE AN**
36 **INCARCERATED INDIVIDUAL TO SERVE A LONGER SENTENCE OF CONFINEMENT**
37 **THAN IS AUTHORIZED BY THE STATUTE UNDER WHICH THE INCARCERATED**
38 **INDIVIDUAL WAS CONVICTED.**

1 11-507.1.

2 AN INCARCERATED INDIVIDUAL WHO IS SERVING A SENTENCE FOR A CRIME
3 OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, MAY NOT
4 BE ALLOWED A DEDUCTION UNDER THIS SUBTITLE THAT AMOUNTS TO A NUMBER OF
5 DAYS THAT IS GREATER THAN 10% OF THE INCARCERATED INDIVIDUAL'S
6 AGGREGATE SENTENCE FOR CRIMES OF VIOLENCE.

7 **Article – Criminal Procedure**

8 5-202.

9 (a) A District Court commissioner may not authorize pretrial release for a
10 defendant charged with escaping from a correctional facility or any other place of
11 confinement in the State.

12 (b) (1) A District Court commissioner may not authorize the pretrial release of
13 a defendant charged as a drug kingpin under § 5-613 of the Criminal Law Article.

14 (2) **[A] EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, A**
15 judge may authorize the pretrial release of a defendant charged as a drug kingpin on
16 suitable bail and on any other conditions that will reasonably ensure that the defendant
17 will not flee or pose a danger to another person or the community.

18 (3) There is a rebuttable presumption that, if released, a defendant charged
19 as a drug kingpin will flee and pose a danger to another person or the community.

20 (c) (1) A District Court commissioner may not authorize the pretrial release of
21 a defendant charged with a crime of violence if the defendant has been previously convicted:

22 (i) in this State of a crime of violence;

23 (ii) in any other jurisdiction of a crime that would be a crime of
24 violence if committed in this State; or

25 (iii) of an offense listed in subsection (f)(1) of this section.

26 (2) (i) **[A] EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS**
27 **SECTION, A** judge may authorize the pretrial release of a defendant described in paragraph
28 (1) of this subsection on:

29 1. suitable bail;

30 2. any other conditions that will reasonably ensure that the
31 defendant will not flee or pose a danger to another person or the community; or

1 (2) A defendant under this subsection remains ineligible to give bail or be
2 released on recognizance on the subsequent charge until all prior charges have finally been
3 determined by the courts.

4 (3) **[A] EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, A**
5 judge may authorize the pretrial release of a defendant described in paragraph (1) of this
6 subsection on suitable bail and on any other conditions that will reasonably ensure that the
7 defendant will not flee or pose a danger to another person or the community.

8 (4) There is a rebuttable presumption that a defendant described in
9 paragraph (1) of this subsection will flee and pose a danger to another person or the
10 community if released before final determination of the prior charge.

11 (e) (1) A District Court commissioner may not authorize the pretrial release of
12 a defendant charged with violating:

13 (i) the provisions of a temporary protective order described in §
14 4–505(a)(2)(i) of the Family Law Article or the provisions of a protective order described in
15 § 4–506(d)(1) of the Family Law Article that order the defendant to refrain from abusing or
16 threatening to abuse a person eligible for relief; or

17 (ii) the provisions of an order for protection, as defined in § 4–508.1
18 of the Family Law Article, issued by a court of another state or of a Native American tribe
19 that order the defendant to refrain from abusing or threatening to abuse a person eligible
20 for relief, if the order is enforceable under § 4–508.1 of the Family Law Article.

21 (2) **[A] EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, A**
22 judge may allow the pretrial release of a defendant described in paragraph (1) of this
23 subsection on:

24 (i) suitable bail;

25 (ii) any other conditions that will reasonably ensure that the
26 defendant will not flee or pose a danger to another person or the community; or

27 (iii) both bail and other conditions described under item (ii) of this
28 paragraph.

29 (3) When a defendant described in paragraph (1) of this subsection is
30 presented to the court under Maryland Rule 4–216(f), the judge shall order the continued
31 detention of the defendant **IN ACCORDANCE WITH SUBSECTION (H) OF THIS SECTION**
32 **OR** if the judge determines that neither suitable bail nor any condition or combination of
33 conditions will reasonably ensure that the defendant will not flee or pose a danger to
34 another person or the community before the trial.

35 (f) (1) A District Court commissioner may not authorize the pretrial release of

1 a defendant charged with one of the following crimes if the defendant has previously been
2 convicted of a crime of violence or one of the following crimes:

3 (i) wearing, carrying, or transporting a handgun under § 4–203 of
4 the Criminal Law Article;

5 (ii) use of a handgun or an antique firearm in commission of a crime
6 under § 4–204 of the Criminal Law Article;

7 (iii) violating prohibitions relating to assault weapons under § 4–303
8 of the Criminal Law Article;

9 (iv) use of a machine gun in a crime of violence under § 4–404 of the
10 Criminal Law Article;

11 (v) use of a machine gun for an aggressive purpose under § 4–405 of
12 the Criminal Law Article;

13 (vi) use of a weapon as a separate crime under § 5–621 of the
14 Criminal Law Article;

15 (vii) possession of a regulated firearm under § 5–133 of the Public
16 Safety Article;

17 (viii) transporting a regulated firearm for unlawful sale or trafficking
18 under § 5–140 of the Public Safety Article; or

19 (ix) possession of a rifle or shotgun by a person with a mental
20 disorder under § 5–205 of the Public Safety Article.

21 (2) (i) **[A] EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS**
22 **SECTION, A judge may authorize the pretrial release of a defendant described in paragraph**
23 **(1) of this subsection on:**

24 1. suitable bail;

25 2. any other conditions that will reasonably ensure that the
26 defendant will not flee or pose a danger to another person or the community; or

27 3. both bail and other conditions described under item 2 of
28 this subparagraph.

29 (ii) When a defendant described in paragraph (1) of this subsection
30 is presented to the court under Maryland Rule 4–216(f), the judge shall order the continued
31 detention of the defendant **IN ACCORDANCE WITH SUBSECTION (H) OF THIS SECTION**
32 **OR** if the judge determines that neither suitable bail nor any condition or combination of
33 conditions will reasonably ensure that the defendant will not flee or pose a danger to

1 another person or the community before the trial.

2 (3) There is a rebuttable presumption that a defendant described in
3 paragraph (1) of this subsection will flee and pose a danger to another person or the
4 community.

5 (g) (1) A District Court commissioner may not authorize the pretrial release of
6 a defendant who:

7 (i) is registered, or the commissioner knows is required to register,
8 under Title 11, Subtitle 7 of this article; or

9 (ii) is a sex offender who is required to register by another
10 jurisdiction, a federal, military, or tribal court, or a foreign government.

11 (2) (i) **[A] EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS**
12 **SECTION, A judge may authorize the pretrial release of a defendant described in paragraph**
13 **(1) of this subsection on:**

14 1. suitable bail;

15 2. any other conditions that will reasonably ensure that the
16 defendant will not flee or pose a danger to another person or the community; or

17 3. both bail and other conditions described under item 2 of
18 this subparagraph.

19 (ii) When a defendant described in paragraph (1) of this subsection
20 is presented to the court under Maryland Rule 4–216(f), the judge shall order the continued
21 detention of the defendant **IN ACCORDANCE WITH SUBSECTION (H) OF THIS SECTION**
22 **OR** if the judge determines that neither suitable bail nor any condition or combination of
23 conditions will reasonably ensure that the defendant will not flee or pose a danger to
24 another person or the community before the trial.

25 (3) There is a rebuttable presumption that a defendant described in
26 paragraph (1) of this subsection will flee and pose a danger to another person or the
27 community.

28 **(H) A JUDICIAL OFFICER MAY NOT AUTHORIZE THE PRETRIAL RELEASE OF**
29 **A DEFENDANT WHO IS CHARGED WITH A CRIME OF VIOLENCE IF THE DEFENDANT:**

30 **(1) HAS A PENDING CHARGE FOR:**

31 **(I) A CRIME OF VIOLENCE IN THE STATE; OR**

32 **(II) A CRIME IN ANY OTHER JURISDICTION THAT WOULD BE A**

1 **CRIME OF VIOLENCE IF COMMITTED IN THE STATE; OR**

2 **(2) WAS CONVICTED WITHIN THE PREVIOUS 10 YEARS:**

3 **(I) OF A CRIME OF VIOLENCE IN THE STATE; OR**

4 **(II) IN ANY OTHER JURISDICTION OF A CRIME THAT WOULD BE**
5 **A CRIME OF VIOLENCE IF COMMITTED IN THE STATE.**

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

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2025.