

HOUSE BILL 1358

E2, E5

5lr3068

By: **Delegates Reilly, Griffith, Hartman, Mangione, T. Morgan, and Pippy**
Introduced and read first time: February 7, 2025
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Home Detention – Time Served Credits**

3 FOR the purpose of prohibiting the Division of Correction from applying credit for any
4 portion of the time served in a certain home detention program toward any sentence
5 of a certain incarcerated individual; requiring that a court consider the nature and
6 circumstances of any pending cases of a defendant in determining the appropriate
7 conditions of pretrial release; providing that certain provisions relating to the
8 application of credit toward a certain sentence do not apply to a certain defendant;
9 and generally relating to home detention and time served credits.

10 BY repealing and reenacting, without amendments,
11 Article – Correctional Services
12 Section 3–401
13 Annotated Code of Maryland
14 (2017 Replacement Volume and 2024 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Correctional Services
17 Section 3–409(a)
18 Annotated Code of Maryland
19 (2017 Replacement Volume and 2024 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Criminal Procedure
22 Section 5–213 and 6–218
23 Annotated Code of Maryland
24 (2018 Replacement Volume and 2024 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



Article – Correctional Services

1
2 3–401.

3 In this subtitle, “program” means a home detention program established under this
4 subtitle.

5 3–409.

6 (a) (1) An incarcerated individual who willfully violates the conditions of the
7 incarcerated individual’s placement in the program is guilty of a misdemeanor and on
8 conviction is subject to imprisonment not exceeding 1 year.

9 (2) Notwithstanding § 9–104 of this article, a sentence under this
10 subsection may be to the jurisdiction of the Division.

11 **(3) THE DIVISION MAY NOT APPLY CREDIT FOR ANY PORTION OF THE**
12 **TIME SERVED IN THE PROGRAM TOWARD ANY SENTENCE OF AN INCARCERATED**
13 **INDIVIDUAL CONVICTED OF A VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION.**

Article – Criminal Procedure

14
15 5–213.

16 (a) A court may issue a bench warrant for the arrest of a defendant who violates
17 a condition of pretrial release.

18 (b) **(1)** After a defendant is presented before a court, the court may:

19 **[(1)] (I)** revoke the defendant’s pretrial release; or

20 **[(2)] (II)** continue the defendant’s pretrial release with or without
21 conditions.

22 **(2) THE COURT SHALL CONSIDER THE NATURE AND CIRCUMSTANCES**
23 **OF ANY PENDING CASES OF A DEFENDANT IN DETERMINING THE APPROPRIATE**
24 **CONDITIONS OF PRETRIAL RELEASE.**

25 6–218.

26 (a) This section does not apply to:

27 **(1)** a parolee who is returned to the custody of the Division of Correction
28 because of a subsequent crime and is confined before being sentenced for the subsequent
29 crime; **OR**

1 **(2) A DEFENDANT WHO WAS PLACED ON HOME DETENTION AS A**
2 **CONDITION OF PRETRIAL RELEASE AND IS RETURNED TO THE CUSTODY OF A**
3 **CORRECTIONAL FACILITY FOR VIOLATING A CONDITION OF PRETRIAL RELEASE.**

4 (b) (1) A defendant who is convicted and sentenced shall receive credit against
5 and a reduction of the term of a definite or life sentence, or the minimum and maximum
6 terms of an indeterminate sentence, for all time spent in the custody of a correctional
7 facility, hospital, facility for persons with mental disorders, or other unit because of:

8 (i) the charge for which the sentence is imposed; or

9 (ii) the conduct on which the charge is based.

10 (2) If a defendant is in custody because of a charge that results in a
11 dismissal or acquittal, the time that would have been credited if a sentence had been
12 imposed shall be credited against any sentence that is based on a charge for which a
13 warrant or commitment was filed during that custody.

14 (3) In a case other than a case described in paragraph (2) of this subsection,
15 the sentencing court may apply credit against a sentence for time spent in custody for
16 another charge or crime.

17 (c) A defendant whose sentence is set aside because of a direct or collateral attack
18 and who is reprosecuted or resentenced for the same crime or for another crime based on
19 the same transaction shall receive credit against and a reduction of the term of a definite
20 or life sentence, or the minimum and maximum terms of an indeterminate sentence, for all
21 time spent in custody under the prior sentence, including credit applied against the prior
22 sentence in accordance with subsection (b) of this section.

23 (d) A defendant who is serving multiple sentences, one of which is set aside as the
24 result of a direct or collateral attack, shall receive credit against and a reduction of the
25 remaining term of a definite or life sentence, or the remaining minimum and maximum
26 terms of an indeterminate sentence, for all time spent in custody under the sentence set
27 aside, including credit applied against the sentence set aside in accordance with subsection
28 (b) of this section.

29 (e) (1) The court shall award the credit required by this section at the time of
30 sentencing.

31 (2) After having communicated with the parties, the court shall tell the
32 defendant and shall state on the record the amount of the credit and the facts on which the
33 credit is based.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2025.