

SB0323/393423/1

BY: Delegate Buckel

AMENDMENTS TO SENATE BILL 323
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Juvenile Court –**”; and in the same line, after “**Confinement**” insert “**of Juveniles and Incarcerated Individuals**”; in line 4, after the first “of” insert “prohibiting the deduction of the term of confinement for an incarcerated individual convicted of a certain violation unless the incarcerated individual was a minor at the time of the violation;”; in line 9, strike “juvenile court” and substitute “juveniles and incarcerated individuals”; and after line 9, insert:

“BY repealing and reenacting, with amendments,

Article - Correctional Services

Section 3–702 and 11–502

Annotated Code of Maryland

(2025 Replacement Volume)”.

AMENDMENT NO. 2

On page 2, after line 25, insert:

“Article – Correctional Services

3–702.

(a) Subject to subsections (b) [and (c)] **THROUGH (D)** 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.

(b) (1) Subject to paragraph (2) of this subsection, an incarcerated individual who is serving a sentence for a violation of § 3–303 or § 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 § 3–306 of the Criminal Law Article, as the sections 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.

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

(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.

(D) AN INCARCERATED INDIVIDUAL WHO IS SERVING A SENTENCE FOR A VIOLATION OF § 2–201 OF THE CRIMINAL LAW ARTICLE IS NOT ENTITLED TO A DIMINUTION OF THE INCARCERATED INDIVIDUAL’S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE, UNLESS THE INCARCERATED INDIVIDUAL WAS A MINOR AT THE TIME OF THE VIOLATION.

11–502.

(a) Except as provided in subsections (b) [and (c)] THROUGH (D) of this section, an incarcerated individual who has been sentenced to a term of imprisonment shall be allowed deductions from the incarcerated individual’s term of confinement as

provided under this subtitle for any period of presentence or postsentence confinement in a local correctional facility.

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

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

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

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

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

(D) AN INCARCERATED INDIVIDUAL WHO IS SERVING A SENTENCE FOR A VIOLATION OF § 2-201 OF THE CRIMINAL LAW ARTICLE MAY NOT BE ALLOWED DEDUCTIONS FROM THE INCARCERATED INDIVIDUAL'S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY UNLESS THE INCARCERATED INDIVIDUAL WAS A MINOR AT THE TIME THE VIOLATION WAS COMMITTED."