

SENATE BILL 755

E2

0lr1493
CF 0lr1066

By: **Senators King, Garagiola, Madaleno, and Pugh**

Introduced and read first time: February 10, 2010

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Diminution Credits – Limitations**

3 FOR the purpose of providing that a certain provision of law limiting a certain
4 deduction from a term of confinement that can be earned applies to a certain
5 single sentence as well as a certain consecutive or concurrent sentence;
6 providing that an inmate may not receive diminution credits for manifesting
7 satisfactory progress in a vocational, educational, or training course in a
8 calendar month if the inmate has already received a certain number of
9 diminution credits for manifesting satisfactory performance of assigned work
10 tasks for the same calendar month; providing that an inmate may not receive
11 diminution credits for satisfactory performance of assigned work tasks in a
12 calendar month if the inmate has already received a certain number of
13 diminution credits for manifesting satisfactory progress in a vocational,
14 educational, or training course for the same calendar month; altering the
15 number of diminution credits that an inmate whose term of confinement
16 includes a sentence for a certain violent or controlled dangerous substance
17 offense may receive for a calendar month during which the inmate manifests
18 satisfactory progress in special selected work projects or other special programs
19 designated by the Commissioner of the Division of Correction and approved by
20 the Secretary of Public Safety and Correctional Services; reducing the
21 maximum number of diminution credits that an inmate may receive for a
22 calendar month; and generally relating to diminution credits.

23 BY repealing and reenacting, without amendments,
24 Article – Correctional Services
25 Section 3–701
26 Annotated Code of Maryland
27 (2008 Replacement Volume and 2009 Supplement)

28 BY repealing and reenacting, with amendments,
29 Article – Correctional Services

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 3–704, 3–705, 3–706, 3–707, and 3–708
2 Annotated Code of Maryland
3 (2008 Replacement Volume and 2009 Supplement)

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

6 **Article – Correctional Services**

7 3–701.

8 In this subtitle, “term of confinement” means:

9 (1) the length of the sentence, for a single sentence; or

10 (2) the period from the first day of the sentence that begins first
11 through the last day of the sentence that ends last, for:

12 (i) concurrent sentences;

13 (ii) partially concurrent sentences;

14 (iii) consecutive sentences; or

15 (iv) a combination of concurrent and consecutive sentences.

16 3–704.

17 (a) An inmate shall be allowed a deduction in advance from the inmate’s
18 term of confinement.

19 (b) (1) The deduction allowed under subsection (a) of this section shall be
20 calculated:

21 (i) from the first day of commitment to the custody of the
22 Commissioner through the last day of the inmate’s term of confinement;

23 (ii) except as provided in paragraph (2) of this subsection, at the
24 rate of 10 days for each calendar month; and

25 (iii) on a prorated basis for any portion of a calendar month.

26 (2) If an inmate’s term of confinement includes a [consecutive or
27 concurrent] sentence for a crime of violence as defined in § 14–101 of the Criminal
28 Law Article or a crime of manufacturing, distributing, dispensing, or possessing a
29 controlled dangerous substance in violation of §§ 5–602 through 5–609, § 5–612, or §

1 5–613 of the Criminal Law Article, the deduction described in subsection (a) of this
2 section shall be calculated at the rate of 5 days for each calendar month.

3 (c) A deduction under this section may not be allowed for a period during
4 which an inmate does not receive credit for service of the inmate's term of
5 confinement, including a period:

6 (1) during which the inmate's sentence is stayed;

7 (2) during which the inmate is not in the custody of the Commissioner
8 because of escape; or

9 (3) for which the Maryland Parole Commission has declined to grant
10 credit after revocation of parole or mandatory supervision.

11 3–705.

12 (a) (1) In addition to any other deductions allowed under this subtitle,
13 **UNLESS THE INMATE HAS ALREADY RECEIVED A DEDUCTION OF 5 DAYS FROM**
14 **THE INMATE'S TERM OF CONFINEMENT FOR THE CALENDAR MONTH UNDER §**
15 **3–706 OF THIS SUBTITLE FOR MANIFESTING SATISFACTORY PROGRESS IN A**
16 **VOCATIONAL, EDUCATIONAL, OR TRAINING COURSE**, an inmate may be allowed a
17 deduction of 5 days from the inmate's term of confinement for each calendar month
18 during which the inmate manifests satisfactory performance of assigned work tasks.

19 (2) The deduction described in paragraph (1) of this subsection shall
20 be calculated:

21 (i) from the first day that the work task is performed; and

22 (ii) on a prorated basis for any portion of a calendar month
23 during which the inmate performed the work task.

24 (b) The Commissioner shall adopt regulations governing the determination
25 of deductions authorized under this section.

26 3–706.

27 (a) In addition to any other deductions allowed under this subtitle, **UNLESS**
28 **THE INMATE HAS ALREADY RECEIVED A DEDUCTION OF 5 DAYS FROM THE**
29 **INMATE'S TERM OF CONFINEMENT FOR THE CALENDAR MONTH UNDER § 3–705**
30 **OF THIS SUBTITLE FOR MANIFESTING SATISFACTORY PERFORMANCE OF**
31 **ASSIGNED WORK TASKS**, an inmate may be allowed a deduction of 5 days from the
32 inmate's term of confinement for each calendar month during which the inmate
33 manifests satisfactory progress in:

34 (1) vocational courses; or

1 (2) other educational and training courses.

2 (b) The deduction described in subsection (a) of this section shall be
3 calculated:

4 (1) from the first day that the inmate participates in the course; and

5 (2) on a prorated basis for any portion of the calendar month during
6 which the inmate participates in the course.

7 3-707.

8 (a) **(1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
9 **SUBSECTION, AND IN** addition to any other deductions allowed under this subtitle, an
10 inmate may be allowed a deduction of up to 10 days from the inmate's term of
11 confinement for each calendar month during which the inmate manifests satisfactory
12 progress in those special selected work projects or other special programs designated
13 by the Commissioner and approved by the Secretary.

14 **(2) AN INMATE WHOSE TERM OF CONFINEMENT IS DESCRIBED IN**
15 **§ 3-704(B)(2) OF THIS SUBTITLE MAY BE ALLOWED ONLY A DEDUCTION OF UP**
16 **TO 5 DAYS FROM THE INMATE'S TERM OF CONFINEMENT FOR EACH CALENDAR**
17 **MONTH UNDER THIS SECTION.**

18 (b) A deduction described in subsection (a) of this section shall be calculated:

19 (1) from the first day that the inmate is assigned to the work project or
20 program; and

21 (2) on a prorated basis for any portion of the calendar month during
22 which the inmate participates in the work project or program.

23 3-708.

24 Notwithstanding any other provision of this subtitle, an inmate may not be
25 allowed a deduction under this subtitle of more than [20] 15 days for a calendar
26 month.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2010.