

# HOUSE BILL 712

E4, E1

4r2088  
CF SB 164

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By: **Delegates Smigiel, Afzali, Eckardt, Glass, Haddaway–Riccio, Jacobs, McDermott, Otto, Schulz, and Stocksdale**

Introduced and read first time: January 31, 2014

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Use of a Firearm in the Commission of a Crime – Diminution**  
3 **Credits and Sentencing**

4 FOR the purpose of prohibiting the earning of diminution credits to reduce the term of  
5 confinement of an inmate committed to the custody of the Commissioner of  
6 Correction or sentenced to a term of imprisonment in a local correctional facility  
7 who is serving a sentence for the use of certain firearms in the commission of  
8 certain crimes; clarifying that a court may not impose less than a certain  
9 mandatory minimum sentence for the use of certain firearms in the commission  
10 of certain crimes; prohibiting a court from suspending any part of a certain  
11 mandatory minimum sentence; providing for the application of this Act; and  
12 generally relating to the use of a firearm in the commission of a crime.

13 BY repealing and reenacting, with amendments,  
14 Article – Correctional Services  
15 Section 3–702 and 11–502  
16 Annotated Code of Maryland  
17 (2008 Replacement Volume and 2013 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Criminal Law  
20 Section 4–204  
21 Annotated Code of Maryland  
22 (2012 Replacement Volume and 2013 Supplement)

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

25 **Article – Correctional Services**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3-702.

2 (a) Subject to subsections (b) [and], (c), AND (D) of this section, § 3-711 of  
3 this subtitle, and Title 7, Subtitle 5 of this article, an inmate committed to the custody  
4 of the Commissioner is entitled to a diminution of the inmate's term of confinement as  
5 provided under this subtitle.

6 (b) An inmate who is serving a sentence for a violation of § 3-303, § 3-304, §  
7 3-305, or § 3-306 of the Criminal Law Article involving a victim who is a child under  
8 the age of 16 years is not entitled to a diminution of the inmate's term of confinement  
9 as provided under this subtitle.

10 (c) An inmate who is serving a sentence for a violation of § 3-307 of the  
11 Criminal Law Article involving a victim who is a child under the age of 16 years is not  
12 entitled to a diminution of the inmate's term of confinement as provided under this  
13 subtitle, if the inmate was previously convicted of a violation of § 3-307 of the  
14 Criminal Law Article involving a victim who is a child under the age of 16 years.

15 **(D) AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION OF §**  
16 **4-204 OF THE CRIMINAL LAW ARTICLE IS NOT ENTITLED TO A DIMINUTION OF**  
17 **THE INMATE'S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE.**

18 11-502.

19 (a) Except as provided in subsections (b) [and], (c), AND (D) of this section,  
20 an inmate who has been sentenced to a term of imprisonment shall be allowed  
21 deductions from the inmate's term of confinement as provided under this subtitle for  
22 any period of presentence or postsentence confinement in a local correctional facility.

23 (b) (1) An inmate who is serving a sentence for a violation of § 3-303,  
24 § 3-304, § 3-305, or § 3-306 of the Criminal Law Article involving a victim who is a  
25 child under the age of 16 years may not be allowed deductions from the inmate's term  
26 of confinement as provided under this subtitle for any period of presentence or  
27 postsentence confinement in a local correctional facility.

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

31 (c) (1) An inmate who is serving a sentence for a violation of § 3-307 of  
32 the Criminal Law Article involving a victim who is a child under the age of 16 years,  
33 who has previously been convicted of violating § 3-307 of the Criminal Law Article  
34 involving a victim who is a child under the age of 16 years, may not be allowed  
35 deductions from the inmate's term of confinement as provided under this subtitle for  
36 any period of presentence or postsentence confinement in a local correctional facility.



1 any effect on or application to any offense committed before the effective date of this  
2 Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2014.