

HOUSE BILL 38

E4, E1
HB 712/14 – JUD

(PRE-FILED)

5lr0407

By: **Delegate Schulz**

Requested: September 30, 2014

Introduced and read first time: January 14, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Use of a Firearm in the Commission of a Crime – Diminution Credits**
3 **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 who
7 is serving a sentence for the use of certain firearms in the commission of certain
8 crimes; clarifying that a court may not impose less than a certain mandatory
9 minimum sentence for the use of certain firearms in the commission of certain
10 crimes; prohibiting a court from suspending any part of a certain mandatory
11 minimum sentence; providing for the application of this Act; and generally relating
12 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 2014 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 2014 Supplement)

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

25 **Article – Correctional Services**

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 this
3 subtitle, and Title 7, Subtitle 5 of this article, an inmate committed to the custody of the
4 Commissioner is entitled to a diminution of the inmate's term of confinement as provided
5 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 the
8 age of 16 years is not entitled to a diminution of the inmate's term of confinement as
9 provided under this subtitle.

10 (c) An inmate who is serving a sentence for a violation of § 3-307 of the Criminal
11 Law Article involving a victim who is a child under the age of 16 years is not entitled to a
12 diminution of the inmate's term of confinement as provided under this subtitle, if the
13 inmate was previously convicted of a violation of § 3-307 of the Criminal Law Article
14 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 THE
17 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, an
20 inmate who has been sentenced to a term of imprisonment shall be allowed deductions from
21 the inmate's term of confinement as provided under this subtitle for any period of
22 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 child
25 under the age of 16 years may not be allowed deductions from the inmate's term of
26 confinement as provided under this subtitle for any period of presentence or postsentence
27 confinement in a local correctional facility.

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

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

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

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2015.