

SENATE BILL 164

E4, E1

4lr0602

By: **Senators Brochin, Feldman, Getty, and Pugh**

Introduced and read first time: January 13, 2014

Assigned to: Judicial Proceedings

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**

26 3–702.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

17 11–502.

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

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

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

30 (c) (1) An inmate who is serving a sentence for a violation of § 3–307 of
31 the Criminal Law Article involving a victim who is a child under the age of 16 years,
32 who has previously been convicted of violating § 3–307 of the Criminal Law Article
33 involving a victim who is a child under the age of 16 years, may not be allowed
34 deductions from the inmate’s term of confinement as provided under this subtitle for
35 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.