

SENATE BILL 735

E2
SB 44/24 – JPR

5lr1376

By: **Senators Folden, Bailey, Jennings, Hershey, Gallion, Ready, and Carozza**
Introduced and read first time: January 27, 2025
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Time for Violent Crime Act**
3 **(Geri's Law)**

4 FOR the purpose of prohibiting the earning of diminution credits to reduce the term of
5 confinement of an incarcerated individual who is serving a sentence for murder in
6 the first degree or murder in the second degree in a State or local correctional facility;
7 prohibiting a deduction of diminution credits of more than a certain percentage of an
8 incarcerated individual's aggregate sentence for crimes of violence for an
9 incarcerated individual who is serving a sentence for a crime of violence; prohibiting
10 a judicial officer from authorizing the pretrial release of a defendant who is charged
11 with a crime of violence if the defendant has a pending charge for a certain crime or
12 was previously convicted within a certain number of years of a certain crime; and
13 generally relating to crimes of violence, diminution credits, and pretrial release.

14 BY repealing and reenacting, with amendments,
15 Article – Correctional Services
16 Section 3–702, 3–708, and 11–502
17 Annotated Code of Maryland
18 (2017 Replacement Volume and 2024 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Correctional Services
21 Section 3–707(a)
22 Annotated Code of Maryland
23 (2017 Replacement Volume and 2024 Supplement)

24 BY adding to
25 Article – Correctional Services
26 Section 11–507.1
27 Annotated Code of Maryland
28 (2017 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 5–202
Annotated Code of Maryland
(2018 Replacement Volume and 2024 Supplement)

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

Article – Correctional Services

3–702.

(a) Subject to subsections (b) [and], (c), **AND (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 individuals' 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 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 OR § 2–204 OF THE CRIMINAL LAW ARTICLE IS NOT ENTITLED TO A DIMINUTION OF THE INCARCERATED INDIVIDUAL'S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE.

3–707.

(a) (1) Except as provided in paragraph (2) of this subsection, in addition to

any other deductions allowed under this subtitle, an incarcerated individual may be allowed a deduction of up to 20 days from the incarcerated individual's term of confinement for each calendar month during which the incarcerated individual manifests satisfactory progress in those special selected work projects or other special programs, including recidivism reduction programming, designated by the Commissioner and approved by the Secretary.

(2) The deduction described in paragraph (1) of this subsection shall be calculated at the rate of up to 10 days for each calendar month, if an incarcerated individual's term of confinement includes a consecutive or concurrent sentence for:

(i) a crime of violence, as defined in § 14–101 of the Criminal Law Article;

(ii) a sexual offense for which registration is required under Title 11, Subtitle 7 of the Criminal Procedure Article; or

(iii) a crime of manufacturing, distributing, dispensing, or possessing a controlled dangerous substance in violation of § 5–612 or § 5–613 of the Criminal Law Article.

3–708.

(A) Except as provided in § 3–706.1 of this subtitle, and notwithstanding any other provision of this subtitle, an incarcerated individual may not be allowed a deduction under this subtitle of more than:

(1) 20 days for a calendar month for an incarcerated individual described in [§ 3–707(a)(2)] **§ 3–707(A)(2)(II) AND (III)** of this subtitle; and

(2) 30 days for a calendar month for all other incarcerated individuals.

(B) AN INCARCERATED INDIVIDUAL WHO IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE, MAY NOT BE ALLOWED A DEDUCTION UNDER THIS SUBTITLE THAT AMOUNTS TO A NUMBER OF DAYS THAT IS GREATER THAN 10% OF THE INCARCERATED INDIVIDUAL'S AGGREGATE SENTENCE FOR CRIMES OF VIOLENCE.

11–502.

(a) Except as provided in subsections (b) [and], (c), **AND (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) (1) AN INCARCERATED INDIVIDUAL WHO IS SERVING A SENTENCE FOR A VIOLATION OF § 2–201 OR § 2–204 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.

(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.

11–507.1.

AN INCARCERATED INDIVIDUAL WHO IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE, MAY NOT

1 BE ALLOWED A DEDUCTION UNDER THIS SUBTITLE THAT AMOUNTS TO A NUMBER OF
2 DAYS THAT IS GREATER THAN 10% OF THE INCARCERATED INDIVIDUAL'S
3 AGGREGATE SENTENCE FOR CRIMES OF VIOLENCE.

4 Article – Criminal Procedure

5 5–202.

6 (a) A District Court commissioner may not authorize pretrial release for a
7 defendant charged with escaping from a correctional facility or any other place of
8 confinement in the State.

9 (b) (1) A District Court commissioner may not authorize the pretrial release of
10 a defendant charged as a drug kingpin under § 5–613 of the Criminal Law Article.

11 (2) **[A] EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, A**
12 judge may authorize the pretrial release of a defendant charged as a drug kingpin on
13 suitable bail and on any other conditions that will reasonably ensure that the defendant
14 will not flee or pose a danger to another person or the community.

15 (3) There is a rebuttable presumption that, if released, a defendant charged
16 as a drug kingpin will flee and pose a danger to another person or the community.

17 (c) (1) A District Court commissioner may not authorize the pretrial release of
18 a defendant charged with a crime of violence if the defendant has been previously convicted:

19 (i) in this State of a crime of violence;

20 (ii) in any other jurisdiction of a crime that would be a crime of
21 violence if committed in this State; or

22 (iii) of an offense listed in subsection (f)(1) of this section.

23 (2) (i) **[A] EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS**
24 **SECTION, A** judge may authorize the pretrial release of a defendant described in paragraph
25 (1) of this subsection on:

26 1. suitable bail;

27 2. any other conditions that will reasonably ensure that the
28 defendant will not flee or pose a danger to another person or the community; or

29 3. both bail and other conditions described under item 2 of
30 this subparagraph.

31 (ii) When a defendant described in paragraph (1) of this subsection

1 is presented to the court under Maryland Rule 4–216(f), the judge shall order the continued
2 detention of the defendant **IN ACCORDANCE WITH SUBSECTION (H) OF THIS SECTION**
3 **OR** if the judge determines that neither suitable bail nor any condition or combination of
4 conditions will reasonably ensure that the defendant will not flee or pose a danger to
5 another person or the community before the trial.

6 (3) There is a rebuttable presumption that a defendant described in
7 paragraph (1) of this subsection will flee and pose a danger to another person or the
8 community.

9 (d) (1) A District Court commissioner may not authorize the pretrial release of
10 a defendant charged with committing one of the following crimes while the defendant was
11 released on bail or personal recognizance for a pending prior charge of committing one of
12 the following crimes:

13 (i) aiding, counseling, or procuring arson in the first degree under §
14 6–102 of the Criminal Law Article;

15 (ii) arson in the second degree or attempting, aiding, counseling, or
16 procuring arson in the second degree under § 6–103 of the Criminal Law Article;

17 (iii) burglary in the first degree under § 6–202 of the Criminal Law
18 Article;

19 (iv) burglary in the second degree under § 6–203 of the Criminal Law
20 Article;

21 (v) burglary in the third degree under § 6–204 of the Criminal Law
22 Article;

23 (vi) causing abuse to a child under § 3–601 or § 3–602 of the Criminal
24 Law Article;

25 (vii) a crime that relates to a destructive device under § 4–503 of the
26 Criminal Law Article;

27 (viii) a crime that relates to a controlled dangerous substance under
28 §§ 5–602 through 5–609 or § 5–612 or § 5–613 of the Criminal Law Article;

29 (ix) manslaughter by vehicle or vessel under § 2–209 of the Criminal
30 Law Article; and

31 (x) a crime of violence.

32 (2) A defendant under this subsection remains ineligible to give bail or be
33 released on recognizance on the subsequent charge until all prior charges have finally been
34 determined by the courts.

(3) **[A] EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, A** judge may authorize the pretrial release of a defendant described in paragraph (1) of this subsection on suitable bail and on any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community.

(4) There is a rebuttable presumption that a defendant described in paragraph (1) of this subsection will flee and pose a danger to another person or the community if released before final determination of the prior charge.

(e) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged with violating:

(i) the provisions of a temporary protective order described in § 4–505(a)(2)(i) of the Family Law Article or the provisions of a protective order described in § 4–506(d)(1) of the Family Law Article that order the defendant to refrain from abusing or threatening to abuse a person eligible for relief; or

(ii) the provisions of an order for protection, as defined in § 4–508.1 of the Family Law Article, issued by a court of another state or of a Native American tribe that order the defendant to refrain from abusing or threatening to abuse a person eligible for relief, if the order is enforceable under § 4–508.1 of the Family Law Article.

(2) **[A] EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, A** judge may allow the pretrial release of a defendant described in paragraph (1) of this subsection on:

(i) suitable bail;

(ii) any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community; or

(iii) both bail and other conditions described under item (ii) of this paragraph.

(3) When a defendant described in paragraph (1) of this subsection is presented to the court under Maryland Rule 4–216(f), the judge shall order the continued detention of the defendant **IN ACCORDANCE WITH SUBSECTION (H) OF THIS SECTION** **OR** if the judge determines that neither suitable bail nor any condition or combination of conditions will reasonably ensure that the defendant will not flee or pose a danger to another person or the community before the trial.

(f) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged with one of the following crimes if the defendant has previously been convicted of a crime of violence or one of the following crimes:

(i) wearing, carrying, or transporting a handgun under § 4–203 of

the Criminal Law Article;

(ii) use of a handgun or an antique firearm in commission of a crime under § 4–204 of the Criminal Law Article;

(iii) violating prohibitions relating to assault weapons under § 4–303 of the Criminal Law Article;

(iv) use of a machine gun in a crime of violence under § 4–404 of the Criminal Law Article;

(v) use of a machine gun for an aggressive purpose under § 4–405 of the Criminal Law Article;

(vi) use of a weapon as a separate crime under § 5–621 of the Criminal Law Article;

(vii) possession of a regulated firearm under § 5–133 of the Public Safety Article;

(viii) transporting a regulated firearm for unlawful sale or trafficking under § 5–140 of the Public Safety Article; or

(ix) possession of a rifle or shotgun by a person with a mental disorder under § 5–205 of the Public Safety Article.

(2) (i) **[A] EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION,** A judge may authorize the pretrial release of a defendant described in paragraph (1) of this subsection on:

1. suitable bail;

2. any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community; or

3. both bail and other conditions described under item 2 of this subparagraph.

(ii) When a defendant described in paragraph (1) of this subsection is presented to the court under Maryland Rule 4–216(f), the judge shall order the continued detention of the defendant **IN ACCORDANCE WITH SUBSECTION (H) OF THIS SECTION** **OR** if the judge determines that neither suitable bail nor any condition or combination of conditions will reasonably ensure that the defendant will not flee or pose a danger to another person or the community before the trial.

(3) There is a rebuttable presumption that a defendant described in paragraph (1) of this subsection will flee and pose a danger to another person or the

1 community.

2 (g) (1) A District Court commissioner may not authorize the pretrial release of
3 a defendant who:

4 (i) is registered, or the commissioner knows is required to register,
5 under Title 11, Subtitle 7 of this article; or

6 (ii) is a sex offender who is required to register by another
7 jurisdiction, a federal, military, or tribal court, or a foreign government.

8 (2) (i) **[A] EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS**
9 **SECTION, A** judge may authorize the pretrial release of a defendant described in paragraph
10 (1) of this subsection on:

11 1. suitable bail;

12 2. any other conditions that will reasonably ensure that the
13 defendant will not flee or pose a danger to another person or the community; or

14 3. both bail and other conditions described under item 2 of
15 this subparagraph.

16 (ii) When a defendant described in paragraph (1) of this subsection
17 is presented to the court under Maryland Rule 4–216(f), the judge shall order the continued
18 detention of the defendant **IN ACCORDANCE WITH SUBSECTION (H) OF THIS SECTION**
19 **OR** if the judge determines that neither suitable bail nor any condition or combination of
20 conditions will reasonably ensure that the defendant will not flee or pose a danger to
21 another person or the community before the trial.

22 (3) There is a rebuttable presumption that a defendant described in
23 paragraph (1) of this subsection will flee and pose a danger to another person or the
24 community.

25 **(H) A JUDICIAL OFFICER MAY NOT AUTHORIZE THE PRETRIAL RELEASE OF**
26 **A DEFENDANT WHO IS CHARGED WITH A CRIME OF VIOLENCE IF THE DEFENDANT:**

27 **(1) HAS A PENDING CHARGE FOR:**

28 **(I) A CRIME OF VIOLENCE IN THE STATE; OR**

29 **(II) A CRIME IN ANY OTHER JURISDICTION THAT WOULD BE A**
30 **CRIME OF VIOLENCE IF COMMITTED IN THE STATE; OR**

31 **(2) WAS CONVICTED WITHIN THE PREVIOUS 10 YEARS:**

1 **(I) IN THE STATE OF A CRIME OF VIOLENCE; OR**

2 **(II) IN ANY OTHER JURISDICTION OF A CRIME THAT WOULD BE**
3 **A CRIME OF VIOLENCE IF COMMITTED IN THE STATE.**

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

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2025.