

BY repealing and re-enacting, with amendments,

Article 41 - Governor - Executive and Administrative
Departments

Section 122

Annotated Code of Maryland

(1971 Replacement Volume and 1973 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That new Section ~~[[638B]]~~ 638C be and it is hereby added to Article 27 - Crimes and Punishments, of the Annotated Code of Maryland (1971 Replacement Volume and 1973 Supplement) to read as follows:

Article 27 - Crimes and Punishments

~~[[638B]]~~ 638C.

(A) ANY PERSON WHO IS CONVICTED AND SENTENCED SHALL ~~[[RECEIVE]]~~ RECEIVE CREDIT AGAINST THE TERM OF A DEFINITE OR LIFE SENTENCE OR CREDIT AGAINST THE MINIMUM AND MAXIMUM TERMS OF AN INDETERMINATE SENTENCE FOR ALL TIME SPENT ~~[[UNDER THE SUPERVISION OR]]~~ IN THE CUSTODY OF ANY STATE, COUNTY OR CITY JAIL, CORRECTIONAL INSTITUTION, HOSPITAL, MENTAL HOSPITAL OR OTHER AGENCY AS A RESULT OF THE CHARGE FOR WHICH SENTENCE IS IMPOSED OR AS A RESULT OF THE CONDUCT ON WHICH THE CHARGE IS BASED, AND THE TERM OF A DEFINITE OR LIFE SENTENCE OR THE MINIMUM AND MAXIMUM TERMS OF AN INDETERMINATE SENTENCE SHALL BE DIMINISHED THEREBY. IN ANY CASE WHERE A PERSON HAS BEEN IN CUSTODY DUE TO A CHARGE THAT CULMINATED IN A DISMISSAL OR ACQUITTAL, THE AMOUNT OF TIME THAT WOULD HAVE BEEN CREDITED AGAINST A SENTENCE FOR THE CHARGE, HAD ONE BEEN IMPOSED, SHALL BE CREDITED AGAINST ANY SENTENCE THAT IS BASED UPON A CHARGE FOR WHICH A WARRANT OR COMMITMENT WAS LODGED DURING THE PENDENCY OF SUCH CUSTODY. IN ALL OTHER CASES, THE SENTENCING COURT SHALL HAVE THE DISCRETION TO APPLY CREDIT AGAINST A SENTENCE FOR TIME SPENT IN CUSTODY FOR ANOTHER CHARGE OR OFFENSE.

(B) A PERSON WHOSE SENTENCE IS SET ASIDE AS THE RESULT OF DIRECT OR COLLATERAL ATTACK AND WHO IS RE-PROSECUTED OR RE-SENTENCED FOR THE SAME OFFENSE OR FOR ANOTHER OFFENSE BASED ON THE SAME ~~[[CONDUCT]]~~ TRANSACTION SHALL RECEIVE CREDIT AGAINST THE TERM OF A DEFINITE OR LIFE SENTENCE OR CREDIT AGAINST THE MINIMUM AND MAXIMUM TERMS OF AN INDETERMINATE SENTENCE FOR ALL TIME SPENT IN CUSTODY UNDER THE PRIOR SENTENCE, INCLUDING CREDIT APPLIED AGAINST THE PRIOR SENTENCE IN ACCORDANCE WITH SUBSECTION (A), AND THE TERM OF A DEFINITE OR LIFE SENTENCE OR THE MINIMUM AND MAXIMUM TERMS OF AN INDETERMINATE SENTENCE SHALL BE DIMINISHED THEREBY.