

FOR the purpose of establishing that the concept of giving credit against sentence for time spent in custody does not apply to a parolee who commits a subsequent offense and is incarcerated prior to the date on which he is sentenced for the subsequent offense.

BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments
Section 638C(a)
Annotated Code of Maryland
(1976 Replacement Volume and 1980 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article 27 - Crimes and Punishments

638C.

(a) Any person who is convicted and sentenced 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 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. THIS SECTION DOES NOT APPLY TO A PAROLEE WHO IS RETURNED TO THE CUSTODY OF THE DIVISION OF CORRECTION AS A RESULT OF A SUBSEQUENT OFFENSE AND IS INCARCERATED PRIOR TO THE DATE ON WHICH HE IS SENTENCED FOR THE SUBSEQUENT OFFENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1981.

Approved May 19, 1981.