

7-504. REVOCATION OF MANDATORY SUPERVISION.

(A) DIMINUTION CREDITS PREVIOUSLY AWARDED.

THE COMMISSIONER PRESIDING AT AN INDIVIDUAL'S MANDATORY SUPERVISION REVOCATION HEARING MAY REVOKE ANY OR ALL OF THE DIMINUTION CREDITS PREVIOUSLY EARNED BY THE INDIVIDUAL ON THE INDIVIDUAL'S TERM OF CONFINEMENT.

(B) NEW DIMINUTION CREDITS.

AN INMATE MAY NOT BE AWARDED ANY NEW DIMINUTION CREDITS AFTER THE INMATE'S MANDATORY SUPERVISION HAS BEEN REVOKED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-612(e) and (f).

In subsection (a) of this section, the reference to the commissioner presiding "at an individual's mandatory supervision revocation" hearing is added to state expressly that which was only implied in the former law.

Also in subsection (a) of this section, the reference to a revocation "hearing" is substituted for the former reference to revocation "proceedings" for accuracy.

Also in subsection (a) of this section, the former reference to revoking diminution credits "in the revocation [hearing]" is deleted as implicit.

Also in subsection (a) of this section, the reference to authority to "revoke" diminution credits is substituted for the former reference to authority to "rescind" diminution credits for consistency with §§ 3-709 and 11-507 of this article.

In subsection (b) of this section, the prohibition against "award[ing]" diminution credits to an inmate is substituted for the former prohibition against an inmate "earn[ing]" diminution credits for consistency with §§ 3-709 and 11-507 of this article.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that subsection (b) of this section seems to establish a prohibition against awarding an inmate diminution credits on any sentence after mandatory supervision has been revoked. However, the Committee assumes that subsection (b) was intended to apply only to the sentence or sentences for which the inmate was awarded diminution credits prior to release on mandatory supervision and not to a new sentence for a crime committed while the inmate was on mandatory supervision. The General Assembly may wish to amend subsection (b) to state expressly that an inmate may not be awarded any diminution credits "on the sentence or sentences for which the individual was awarded diminution credits prior to release on mandatory supervision". The General Assembly may also wish to clarify how good conduct credits should be calculated for a new sentence for a crime committed while an inmate