



SPONSOR: Rep. Minor-Brown

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 2
TO
HOUSE BILL NO. 37

AMEND House Bill No. 37 by striking lines 22 and 23 in their entirety and substituting in lieu thereof the following:

“(b)(1) Subject to the exceptions in subsection (b)(2) and (3), public health emergency credits shall be awarded to any inmate in the custody of the Department of Correction in a Level 4 or Level 5 facility who is serving a sentence or receiving credits applicable to a sentence and is scheduled to be released from custody in a Level 4 or Level 5 facility within 365 days.

(2) An inmate who is serving a sentence or receiving credits applicable to a sentence for any of the following convictions is not eligible to receive a public health emergency credit:

a. Strangulation, under § 607 of this title.

b. Murder in the second degree, under § 635 of this title.

c. Murder in the first degree, under § 636 of this title.

d. Rape in the second degree, under § 772 of this title.

e. Rape in the first degree, under § 773 of this title.

f. Continuous sexual abuse of a child, under § 776 of this title.

g. Sexual abuse of a child by a person in a position of trust, authority, or supervision in the first degree, under § 778(1), (2), or (3) of this title.

h. Assault in a Detention Facility, under § 1254 of this title.

i. Escape after Conviction, under § 1253 of this title.

j. Promoting Prison Contraband, under § 1256 of this title.

k. Stalking, under § 1312 of this title.

(3) An inmate is not eligible for the Public Health Emergency Credit if the inmate has been found guilty of more than 2 Class-I disciplinary violations or more than 5 Class II disciplinary violations in the previous 24 months.”

FURTHER AMEND House Bill No. 37 by striking lines 24-27 in their entirety and inserting in lieu thereof the following:

"Public Health Emergency Credits awarded pursuant to this section shall reduce the term of the inmate's sentence, including any statutory mandatory minimum term at the rate of 120 days for each 30 days served during the declared emergency. An inmate shall not be awarded public health emergency credits in excess of 240 days for any declared emergency, nor shall any inmate receive public health emergency credits that would reduce that inmate's time served to less than 50% of the inmate's sentence. An inmate shall receive partial credits that reduce the sentence up to 50%."

FURTHER AMEND House Bill No. 37 by inserting after line 34 the following:

"(f) Any inmate who would otherwise be eligible for a public health emergency credit pursuant to subsection (b) of this section, except that the inmate is not scheduled to be released from custody in a Level 4 or Level 5 facility within 365 days, shall be awarded 160 days of good time credit, all but 40 days of which are not subject to forfeiture under § 4382 of this section. Provided, however, that all 160 days shall be forfeited if a person subject to the custody of the Department is determined to have physically assaulted any correctional officer or employee of the Department.

(g) The Department of Correction shall notify victims in writing of the expected release, prior to the date of release, in accordance with § 9413 of this title.

Section 3. This Act takes effect 35 days after its enactment into law."

SYNOPSIS

This amendment establishes exceptions as to whom is eligible to receive public health emergency credits. Those exceptions include inmates serving a sentence for violent Title 11 crimes such as murder, rape, continuous sexual abuse of a child, strangulation, stalking, and assault in a detention facility. Other exceptions includes crimes that occur in correctional facilities such as promoting prison contraband and escape after conviction and those inmates who have been found guilty of more than 2 Class I or more than 5 Class II disciplinary violations in the previous 24 months. This amendment also clarifies that the credit awarded cannot be in excess of 240 days for any declared emergency, and the credit cannot reduce an inmate's Level 5 time to less than 50% of the inmate's sentence. The public health emergency credit is available only to those inmates who otherwise qualify and are within 365 days of their scheduled release. Other qualified inmates who are not scheduled for releases within 365 days will receive 160 days of additional good time credit. This amendment also makes clear that the Department of Correction must notify victims in writing of the expected release date. Finally, this amendment makes the bill effective 35 days after enactment.