
By: **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Public Safety and Correctional Services)**

Introduced and read first time: January 16, 2006

Rules suspended

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Telecommunication Device in Place of Confinement -**
3 **Prohibition**

4 FOR the purpose of prohibiting a person from delivering a telecommunication device
5 to a person detained or confined in a place of confinement; prohibiting a person
6 from possessing a telecommunication device with the intent to deliver it to a
7 person detained or confined in a place of confinement; prohibiting a person from
8 depositing or concealing a telecommunication device on certain property with
9 certain intent; prohibiting a person detained or confined in a place of
10 confinement from receiving a telecommunication device; providing that a
11 violation of this Act is a felony subject to imprisonment and fine; defining a
12 certain term; and generally relating to contraband in places of confinement.

13 BY repealing and reenacting, with amendments,
14 Article - Criminal Law
15 Section 9-410 and 9-417
16 Annotated Code of Maryland
17 (2002 Volume and 2005 Supplement)

18 BY adding to
19 Article - Criminal Law
20 Section 9-417
21 Annotated Code of Maryland
22 (2002 Volume and 2005 Supplement)

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

1 **Article - Criminal Law**

2 9-410.

3 (a) In this part the following words have the meanings indicated.

4 (b) "Alcoholic beverage" means beer, wine, or distilled spirits.

5 (c) "Contraband" means any item, material, substance, or other thing that:

6 (1) is not authorized for inmate possession by the managing official; or

7 (2) is brought into the correctional facility in a manner prohibited by the
8 managing official.9 (d) "Controlled dangerous substance" has the meaning stated in § 5-101 of
10 this article.11 (e) "Managing official" means the administrator, director, warden,
12 superintendent, sheriff, or other individual responsible for the management of a place
13 of confinement.

14 (f) (1) "Place of confinement" means:

15 (i) a correctional facility;

16 (ii) a facility of the Department of Health and Mental Hygiene;

17 (iii) a detention center for juveniles;

18 (iv) a facility for juveniles listed in Article 83C, § 2-117(a)(2) of the
19 Code;

20 (v) a place identified in a juvenile community detention order; or

21 (vi) any other facility in which a person is confined under color of
22 law.23 (2) "Place of confinement" does not include a place identified in a home
24 detention order or agreement.

25 (G) (1) "TELECOMMUNICATION DEVICE" MEANS:

26 (I) A DEVICE THAT IS ABLE TO TRANSMIT TELEPHONIC,
27 ELECTRONIC, DIGITAL, CELLULAR, OR RADIO COMMUNICATIONS; OR28 (II) A PART OF A DEVICE THAT IS ABLE TO TRANSMIT TELEPHONIC,
29 ELECTRONIC, DIGITAL, CELLULAR, OR RADIO COMMUNICATIONS, REGARDLESS OF
30 WHETHER THE PART ITSELF IS ABLE TO TRANSMIT.

1 (2) "TELECOMMUNICATION DEVICE" INCLUDES A CELLULAR
2 TELEPHONE, DIGITAL TELEPHONE, PICTURE TELEPHONE, AND A MODEM-EQUIPPED
3 DEVICE.

4 [(g)] (H) "Weapon" means a gun, knife, club, explosive, or other article that
5 can be used to kill or inflict bodily injury.

6 9-417.

7 (A) (1) A PERSON MAY NOT DELIVER A TELECOMMUNICATION DEVICE TO A
8 PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT.

9 (2) A PERSON MAY NOT POSSESS A TELECOMMUNICATION DEVICE WITH
10 THE INTENT TO DELIVER IT TO A PERSON DETAINED OR CONFINED IN A PLACE OF
11 CONFINEMENT.

12 (3) A PERSON MAY NOT DEPOSIT OR CONCEAL A TELECOMMUNICATION
13 DEVICE IN OR ABOUT A PLACE OF CONFINEMENT OR ON ANY LAND APPURTENANT
14 TO THE PLACE OF CONFINEMENT WITH THE INTENT THAT A PERSON DETAINED OR
15 CONFINED IN THE PLACE OF CONFINEMENT OBTAIN IT.

16 (4) A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT
17 MAY NOT RECEIVE A TELECOMMUNICATION DEVICE.

18 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON
19 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE
20 NOT EXCEEDING \$5,000 OR BOTH.

21 [9-417.] 9-418.

22 A sentence imposed under this part may be separate from and consecutive to or
23 concurrent with a sentence for any crime based on the act establishing the crime
24 under this part.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2006.