

HOUSE BILL 175

E1

4r1201
CF 4r1708

By: **Delegate Guzzone (Chair, Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities)**

Introduced and read first time: January 15, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Contraband – Telecommunication Devices – Penalty**

3 FOR the purpose of prohibiting a person from attempting to deliver a
4 telecommunication device to a person detained or confined in a certain place of
5 confinement; increasing and applying the penalty for certain violations relating
6 to delivering, possessing, or receiving a telecommunication device in a place of
7 confinement; requiring a certain sentence to be served consecutive to another
8 sentence; and generally relating to the prohibition against telecommunication
9 devices in a place of confinement.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 9–417
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2013 Supplement)

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

17 **Article – Criminal Law**

18 9–417.

19 (a) (1) A person may not deliver **OR ATTEMPT TO DELIVER** a
20 telecommunication device to a person detained or confined in a place of confinement
21 with signs posted indicating that such conduct is prohibited.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) A person may not possess a telecommunication device with the
2 intent to deliver it to a person detained or confined in a place of confinement with
3 signs posted indicating that such conduct is prohibited.

4 (3) A person may not deposit or conceal a telecommunication device in
5 or about a place of confinement with signs posted indicating that such conduct is
6 prohibited or on any land appurtenant to the place of confinement with the intent that
7 it be obtained by a person detained or confined in the place of confinement.

8 (4) A person detained or confined in a place of confinement may not
9 knowingly possess or receive a telecommunication device.

10 (b) A person who violates this section is guilty of a misdemeanor and on
11 conviction is subject to imprisonment not exceeding [3] 5 years or a fine not exceeding
12 [\$1,000] **\$3,000** or both.

13 **(C) A SENTENCE IMPOSED FOR A VIOLATION OF SUBSECTION (A)(4) OF**
14 **THIS SECTION SHALL BE CONSECUTIVE TO ANY SENTENCE THAT THE PERSON**
15 **WAS SERVING AT THE TIME OF THE CRIME OR THAT HAD BEEN IMPOSED BUT**
16 **WAS NOT YET BEING SERVED AT THE TIME OF SENTENCING.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2014.