HOUSE BILL 81

E1 4lr0929

(PRE–FILED)

By: **Delegate Cluster**
Requested: November 13, 2013
Introduced and read first time: January 8, 2014
Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

Criminal Law – Contraband – Telecommunication Devices and Accessories – Penalty

FOR the purpose of prohibiting a person from attempting to deliver or possessing with the intent to deliver certain telecommunication devices or accessories to a person detained or confined in a certain place of confinement; prohibiting a person from depositing or concealing certain telecommunication devices or accessories in or about a place of confinement; prohibiting a person detained or confined in a place of confinement from knowingly possessing or receiving certain telecommunication devices or accessories; increasing the penalty for certain subsequent violations; requiring a certain sentence to be served consecutive to another sentence; and generally relating to the prohibition against telecommunication devices and accessories in a place of confinement.

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

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

Article – Criminal Law

9–417.

(a) (1) A person may not deliver **OR ATTEMPT TO DELIVER** a telecommunication device**, TELECOMMUNICATION DEVICE CHARGER, OR**

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

SUBSCRIBER IDENTIFICATION MODULE (SIM) CARD to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(2) A person may not possess a telecommunication device**, TELECOMMUNICATION DEVICE CHARGER, OR SIM CARD** with the intent to deliver it to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(3) A person may not deposit or conceal a telecommunication device**, TELECOMMUNICATION DEVICE CHARGER, OR SIM CARD** in or about a place of confinement with signs posted indicating that such conduct is prohibited or on any land appurtenant to the place of confinement with the intent that it be obtained by a person detained or confined in the place of confinement.

(4) A person detained or confined in a place of confinement may not knowingly possess or receive a telecommunication device**, TELECOMMUNICATION DEVICE CHARGER, OR SIM CARD**.

(b) **(1) [**A**] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A** person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

(2) A PERSON WHO COMMITS A SECOND OR SUBSEQUENT VIOLATION OF SUBSECTION (A) OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING $5,000 OR BOTH.

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

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