

HOUSE BILL 84

E1

4lr0930

(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

Contraband – Places of Confinement – Penalty

FOR the purpose of prohibiting a correctional officer or any other employee or independent contractor working at a place of confinement from delivering any contraband to a person detained or confined in a place of confinement, possessing any contraband with intent to deliver it to a person detained or confined in a place of confinement, or knowingly possessing contraband in a place of confinement; prohibiting a correctional officer or any other employee or independent contractor working at a place of confinement from delivering an alcoholic beverage to a person detained or confined in a place of confinement or possessing an alcoholic beverage with the intent to deliver it to a person detained or confined in a place of confinement; prohibiting a correctional officer or any other employee or independent contractor working at a place of confinement from delivering a controlled dangerous substance to a person detained or confined in a place of confinement or possessing a controlled dangerous substance with the intent to deliver it to a person detained or confined in a place of confinement; prohibiting a correctional officer or any other employee or independent contractor working at a place of confinement from delivering a telecommunication device to a person detained or confined in a place of confinement, possessing a telecommunication device with the intent to deliver it to a person detained or confined in a place of confinement, or depositing or concealing a telecommunication device in or about a place of confinement 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; establishing penalties for a violation of this Act; and generally relating to prohibitions against contraband in places of confinement.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 9–412, 9–415, 9–416, and 9–417

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

9–412.

(a) A person may not:

- (1) deliver any contraband to a person detained or confined in a place of confinement;
- (2) possess any contraband with intent to deliver it to a person detained or confined in a place of confinement; or
- (3) knowingly possess contraband in a place of confinement.

(B) A CORRECTIONAL OFFICER OR ANY OTHER EMPLOYEE OR INDEPENDENT CONTRACTOR WORKING AT A PLACE OF CONFINEMENT MAY NOT:

- (1) DELIVER ANY CONTRABAND TO A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT;**
- (2) POSSESS ANY CONTRABAND WITH INTENT TO DELIVER IT TO A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT; OR**
- (3) KNOWINGLY POSSESS CONTRABAND IN A PLACE OF CONFINEMENT.**

[(b)] (C) A person who violates **SUBSECTION (A) OF** 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.

(D) A PERSON WHO VIOLATES SUBSECTION (B) 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.

9–415.

(a) This section does not apply to an alcoholic beverage delivered or possessed in a manner authorized by the managing official.

(b) A person may not:

(1) deliver an alcoholic beverage to a person detained or confined in a place of confinement; or

(2) possess an alcoholic beverage with the intent to deliver it to a person detained or confined in a place of confinement.

(c) A person detained or confined in a place of confinement may not knowingly possess or receive an alcoholic beverage.

(D) A CORRECTIONAL OFFICER OR ANY OTHER EMPLOYEE OR INDEPENDENT CONTRACTOR WORKING AT A PLACE OF CONFINEMENT MAY NOT:

(1) DELIVER AN ALCOHOLIC BEVERAGE TO A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT; OR

(2) POSSESS AN ALCOHOLIC BEVERAGE WITH THE INTENT TO DELIVER IT TO A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT.

[(d)] (E) A person who violates **SUBSECTION (B) OR (C)** OF 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.

(F) A PERSON WHO VIOLATES SUBSECTION (D) 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.

9-416.

(a) A person may not:

(1) deliver a controlled dangerous substance to a person detained or confined in a place of confinement; or

(2) possess a controlled dangerous substance with the intent to deliver it to a person detained or confined in a place of confinement.

(b) A person detained or confined in a place of confinement may not knowingly possess or receive a controlled dangerous substance.

(C) A CORRECTIONAL OFFICER OR ANY OTHER EMPLOYEE OR INDEPENDENT CONTRACTOR WORKING AT A PLACE OF CONFINEMENT MAY NOT:

(1) DELIVER A CONTROLLED DANGEROUS SUBSTANCE TO A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT; OR

(2) POSSESS A CONTROLLED DANGEROUS SUBSTANCE WITH THE INTENT TO DELIVER IT TO A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT.

[(c)] (D) A person who violates **SUBSECTION (A) OR (B) OF** 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.

(E) A PERSON WHO VIOLATES SUBSECTION (C) 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.

9-417.

(a) (1) A person may not deliver a telecommunication device 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 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 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.

(B) (1) A CORRECTIONAL OFFICER OR ANY OTHER EMPLOYEE OR INDEPENDENT CONTRACTOR WORKING AT A PLACE OF CONFINEMENT MAY NOT DELIVER A TELECOMMUNICATION DEVICE TO A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT.

(2) A CORRECTIONAL OFFICER OR ANY OTHER EMPLOYEE OR INDEPENDENT CONTRACTOR WORKING AT A PLACE OF CONFINEMENT MAY NOT POSSESS A TELECOMMUNICATION DEVICE WITH THE INTENT TO DELIVER IT TO A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT.

(3) A CORRECTIONAL OFFICER OR ANY OTHER EMPLOYEE OR INDEPENDENT CONTRACTOR WORKING AT A PLACE OF CONFINEMENT MAY NOT

DEPOSIT OR CONCEAL A TELECOMMUNICATION DEVICE IN OR ABOUT A PLACE OF CONFINEMENT 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.

[(b)] (C) A person who violates **SUBSECTION (A)** OF 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.

(D) A PERSON WHO VIOLATES SUBSECTION (B) 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.

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