

HOUSE BILL 876

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HB 330/97 - JUD

1998 Regular Session
8lr0713

By: **Delegates Hecht, Poole, Donoghue, Hutchins, Holt, Harkins, McKee,
Rudolph, W. Baker, Preis, McHale, Hubbard, Jones, Stup, Edwards,
Elliott, O'Donnell, Bissett, Conway, Owings, Dewberry, Snodgrass, M.
Burns, and T. Murphy**

Introduced and read first time: February 12, 1998
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 1998

CHAPTER _____

1 AN ACT concerning

2 **Crimes - ~~Harassment of~~ Unlawful Contact on Prison Employees by Inmates**

3 FOR the purpose of making it a misdemeanor for an inmate to ~~harass, alarm, or~~
4 ~~annoy~~ maliciously cause or attempt to cause certain employees of ~~the Division of~~
5 ~~Correction, certain jails, detention centers, and the Sheriff's offices of counties~~
6 by causing or attempting to cause the employee to come in certain correctional
7 facilities to come into contact with blood, seminal fluid, urine, or feces;
8 specifying a certain maximum fine and maximum term of imprisonment;
9 ~~prohibiting an inmate who is convicted of a certain offense from being eligible~~
10 ~~for certain programs that are alternatives to incarceration; making an assault~~
11 ~~by an inmate against an employee of a county Sheriff's office an offense adding~~
12 employees of sheriff's offices to those employees to which certain offenses and
13 sentencing procedures apply; providing certain sentencing procedures; and
14 generally relating to offenses by inmates against employees of correction
15 facilities, jails, detention centers, and Sheriff's offices.

16 BY repealing and reenacting, with amendments,
17 Article 27 - Crimes and Punishments
18 Section 12A-6
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 1997 Supplement)

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

1

Article 27 - Crimes and Punishments

2 12A-6.

3 (a) Every inmate convicted of assault in any degree on another inmate or on
4 an employee of the Division of Correction, the Patuxent Institution, the Baltimore
5 City Detention Center, or any county jail [or], detention center, OR SHERIFF'S
6 OFFICE, regardless of employment capacity, shall be sentenced under this section.

7 (b) ~~(1)~~ AN INMATE WHO HARASSES, ALARMS, OR ANNOYS MALICIOUSLY
8 CAUSES OR ATTEMPTS TO CAUSE ANY EMPLOYEE LISTED IN SUBSECTION (A) OF THIS
9 SECTION ~~BY CAUSING OR ATTEMPTING TO CAUSE THE EMPLOYEE TO COME IN TO~~
10 COME INTO CONTACT WITH BLOOD, SEMINAL FLUID, URINE, OR FECES IS GUILTY OF
11 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN
12 ~~\$10,000~~ \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR BOTH.

13 ~~(2) A PERSON WHO IS CONVICTED UNDER THIS SUBSECTION MAY NOT~~
14 ~~BE ELIGIBLE TO PARTICIPATE IN A COMMUNITY SERVICE PROGRAM, WORK RELEASE~~
15 ~~PROGRAM, OR HOME DETENTION PROGRAM.~~

16 (C) A sentence imposed under this section shall run consecutively to any
17 sentence that was being served at the time of the ~~assault~~ OFFENSE, or that had been
18 imposed but was not yet being served at the time of sentencing.

19 [(c)] (D) A sentence imposed under this section may not be suspended.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 1998.