
By: **Delegate Doory**
Introduced and read first time: February 16, 2001
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Controlled Dangerous Substances in Correctional Facilities -**
3 **Penalties**

4 FOR the purpose of making it a felony to deliver, or possess with intent to deliver, a
5 controlled dangerous substance to a person detained or confined in a place of
6 confinement; altering the penalties for delivering, or possessing with intent to
7 deliver, a controlled dangerous substance to a person detained or confined in a
8 place of confinement; and generally relating to controlled dangerous substances
9 in correctional facilities.

10 BY repealing and reenacting, without amendments,
11 Article 27 - Crimes and Punishments
12 Section 138(a) and 286(b)
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 2000 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 27 - Crimes and Punishments
17 Section 138(f)
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 2000 Supplement)

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

22 **Article 27 - Crimes and Punishments**

23 138.

24 (a) (1) In this section the following words have the meanings indicated.

25 (2) "Alcoholic beverage" means beer, wine, or distilled spirits.

26 (3) "Contraband" means any item, material, substance, or other thing of
27 value that:

1 (i) Is not authorized for inmate possession by the managing
2 official; or

3 (ii) Is brought into the correctional facility in a manner prohibited
4 by the managing official.

5 (4) (i) Except as provided in subparagraph (ii) of this paragraph,
6 "controlled dangerous substance" has the meaning stated in § 277(f) of this article.

7 (ii) "Controlled dangerous substance" does not include a drug or
8 substance that is legally possessed by an individual under a written prescription
9 issued by a person authorized by law and designated by the managing official to
10 prescribe inmate medication.

11 (5) "Managing official" means the administrator, director, warden,
12 superintendent, sheriff, or other individual responsible for the management of a place
13 of confinement.

14 (6) "Place of confinement" does not include a place identified in a home
15 detention order or agreement.

16 (7) "Weapon" means a gun, knife, club, explosive, or other article that
17 can be used to kill, maim, or inflict bodily injury.

18 (f) (1) (i) A person may not deliver a controlled dangerous substance to a
19 person detained or confined in a place of confinement.

20 (ii) A person may not possess a controlled dangerous substance
21 with intent to deliver to a person detained or confined in a place of confinement.

22 (2) A person who violates this subsection is guilty of a [misdemeanor]
23 FELONY and on conviction is subject to [a fine not exceeding \$1,000 or imprisonment
24 not exceeding 3 years or both] THE PENALTY PROVIDED UNDER ARTICLE 27, § 286(B)
25 OF THE CODE.

26 286.

27 (b) Any person who violates any of the provisions of subsection (a) of this
28 section with respect to:

29 (1) A substance classified in Schedules I or II which is a narcotic drug is
30 guilty of a felony and is subject to imprisonment for not more than 20 years, or a fine
31 of not more than \$25,000, or both.

32 (2) Phencyclidine, 1-(1-phenylcyclohexyl) piperidine,
33 1-phenylcyclohexylamine, or 1-piperidinocyclohexanecarbonitrile, classified in
34 Schedule II, or n-ethyl-1-phenylcyclohexylamine,
35 1-(1-phenylcyclohexyl)-pyrrolidine, 1-(1-(2-thienyl)-cyclohexyl)-piperidine, or
36 lysergic acid diethylamide, classified in Schedule I, is guilty of a felony and is subject

1 to imprisonment for not more than 20 years, or a fine of not more than \$20,000, or
2 both.

3 (3) Any other controlled dangerous substance classified in Schedule I, II,
4 III, IV, or V shall, upon conviction, be deemed guilty of a felony and sentenced to a
5 term of imprisonment for not more than 5 years or a fine of not more than \$15,000, or
6 both. Any person who has previously been convicted under this paragraph shall be
7 sentenced to imprisonment for not less than 2 years. The prison sentence of a person
8 sentenced under this paragraph as a repeat offender may not be suspended to less
9 than 2 years, and the person may be paroled during that period only in accordance
10 with § 4-305 of the Correctional Services Article.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2001.