

SENATE BILL 117

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2002 Regular Session
2lr0096

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental - Public
Safety and Correctional Services)**

Requested: November 14, 2001

Introduced and read first time: January 9, 2002

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of repealing certain specific provisions relating to the possession
5 and delivery of a controlled dangerous substance by a detained person or a
6 person confined in a place of confinement; repealing the penalty for possession
7 and delivery of a controlled dangerous substance by a detained person or a
8 person confined in a place of confinement; repealing an obsolete definition;
9 restating certain prohibitions and penalties relating to distribution of a
10 controlled dangerous substance; and generally relating to controlled dangerous
11 substances and correctional facilities.

12 BY repealing and reenacting, without amendments,
13 Article - Criminal Law
14 Section 5-602 and 5-607
15 Annotated Code of Maryland
16 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
17 2002)

18 BY repealing and reenacting, with amendments,
19 Article - Criminal Law
20 Section 9-410
21 Annotated Code of Maryland
22 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
23 2002)

24 BY repealing
25 Article - Criminal Law
26 Section 9-416
27 Annotated Code of Maryland
28 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of

1 2002)

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

4 **Article - Criminal Law**

5 5-602.

6 Except as otherwise provided in this title, a person may not:

7 (1) manufacture, distribute, or dispense a controlled dangerous
8 substance; or

9 (2) possess a controlled dangerous substance in sufficient quantity
10 reasonably to indicate under all circumstances an intent to manufacture, distribute,
11 or dispense a controlled dangerous substance.

12 5-607.

13 (a) Except as provided in §§ 5-608 and 5-609 of this subtitle, a person who
14 violates a provision of §§ 5-602 through 5-606 of this subtitle is guilty of a felony and
15 on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
16 \$15,000 or both.

17 (b) (1) A person who has been convicted previously under subsection (a) of
18 this section shall be sentenced to imprisonment for not less than 2 years.

19 (2) The court may not suspend the mandatory minimum sentence to less
20 than 2 years.

21 (3) Except as provided in § 4-305 of the Correctional Services Article, the
22 person is not eligible for parole during the mandatory minimum sentence.

23 9-410.

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

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

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

28 (1) is not authorized for inmate possession by the managing official; or

29 (2) is brought into the correctional facility in a manner prohibited by the
30 managing official.

31 (d) ["Controlled dangerous substance" has the meaning stated in § 5-101 of
32 this article.

1 (e) "Managing official" means the administrator, director, warden,
2 superintendent, sheriff, or other individual responsible for the management of a place
3 of confinement.

4 [(f)] (E) (1) "Place of confinement" has the meaning stated in § 9-401 of this
5 subtitle.

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

8 [(g)] (F) "Weapon" means a gun, knife, club, explosive, or other article that
9 can be used to kill or inflict bodily injury.

10 [9-416.

11 (a) A person may not:

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

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

16 (b) A person who violates this section is guilty of a misdemeanor and on
17 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
18 \$1,000 or both.]

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2002.