

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 29, 2002

CHAPTER _____

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 establishing that a certain sentence imposed for~~
11 ~~a violation of delivering or possessing with the intent to deliver a controlled~~
12 ~~dangerous substance to a person detained or confined in a place of confinement~~
13 ~~may be separate from and consecutive to or concurrent with a sentence for~~
14 ~~certain crimes based on the act establishing the violation; and generally relating~~
15 ~~to controlled dangerous substances and correctional facilities.~~

16 ~~BY repealing and reenacting, without amendments,~~
17 ~~Article—Criminal Law~~
18 ~~Section 5-602 and 5-607~~
19 ~~Annotated Code of Maryland~~
20 ~~(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of~~
21 ~~2002)~~

22 ~~BY repealing and reenacting, with amendments,~~
23 ~~Article—Criminal Law~~

1 Section 9-410
2 Annotated Code of Maryland
3 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
4 2002)

5 BY repealing and reenacting, with amendments,
6 Article - Criminal Law
7 Section 9-416
8 Annotated Code of Maryland
9 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
10 2002)

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

13 **Article - Criminal Law**

14 ~~5-602.~~

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

16 (1) ~~manufacture, distribute, or dispense a controlled dangerous~~
17 ~~substance; or~~

18 (2) ~~possess a controlled dangerous substance in sufficient quantity~~
19 ~~reasonably to indicate under all circumstances an intent to manufacture, distribute,~~
20 ~~or dispense a controlled dangerous substance.~~

21 ~~5-607.~~

22 (a) ~~Except as provided in §§ 5-608 and 5-609 of this subtitle, a person who~~
23 ~~violates a provision of §§ 5-602 through 5-606 of this subtitle is guilty of a felony and~~
24 ~~on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding~~
25 ~~\$15,000 or both.~~

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

28 (2) ~~The court may not suspend the mandatory minimum sentence to less~~
29 ~~than 2 years.~~

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

32 ~~9-410.~~

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

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

1 (e) "Contraband" means any item, material, substance, or other thing of value
2 that:

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

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

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

8 (e)} "~~Managing official" means the administrator, director, warden,~~
9 ~~superintendent, sheriff, or other individual responsible for the management of a place~~
10 ~~of confinement.~~

11 [(f)} (E) (1) "~~Place of confinement" has the meaning stated in § 9-401 of this~~
12 ~~subtitle.~~

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

15 [(g)} (F) "~~Weapon" means a gun, knife, club, explosive, or other article that~~
16 ~~can be used to kill or inflict bodily injury.~~

17 ~~§ 9-416.~~

18 (a) A person may not:

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

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

23 (b) A person who violates this section is guilty of a misdemeanor and on
24 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
25 \$1,000 or both.}

26 (C) A SENTENCE IMPOSED FOR A VIOLATION OF THIS SECTION MAY BE
27 SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR
28 ANOTHER CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS
29 SECTION.

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

