

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

House Bill 196

(Chairman, Judiciary Committee and Delegate Grosfeld)

Judiciary

Judicial Proceedings

Criminal Law - Contraband - Thing of Value

This bill clarifies that any item, material, substance, or other thing need not have any particular value to be considered contraband in a correctional facility.

Fiscal Summary

State Effect: The bill's clarifying changes are not expected to significantly affect the operations or finances of public agencies engaged in the enforcement or prosecution or Maryland's criminal code in places of confinement.

Local Effect: None -- see above.

Small Business Effect: None.

Analysis

Current Law: Under provisions governing contraband in prisons or jails, "contraband" means any item, material, substance, or other thing of value that: (1) is not authorized for inmate possession by the managing official; or (2) is brought into the correctional facility in a manner prohibited by the managing official.

Background: This bill is the result of the work of the Criminal Law Article Code Revision Committee. While revising the criminal laws, the committee encountered issues that were not appropriate for inclusion in the code revision bill because they involved substantive changes to the law. In the revisor's notes to House Bill 11, the Criminal Law Article code revision bill, the committee recommended that the General

Assembly address these issues. This is one of several bills resulting from these recommendations.

The committee notes that in the introductory language to provisions governing contraband in places of confinement, the reference to a thing “of value” is confusing, and should be deleted. It is unclear whether the standard of “value” relates to the prison environment or to the outside world. This bill deletes the words “of value” from the provision.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Charles County, Montgomery County, Prince George’s County, Criminal Law Article Review Committee, Department of Legislative Services

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