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

Introduced and read first time: January 18, 2005

Rules suspended

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Contraband - Places of Confinement - Telecommunication**
3 **Devices and Controlled Dangerous Substances**

4 FOR the purpose of prohibiting a person from delivering or possessing with intent to
5 deliver a telecommunication device to a person detained or confined in a place of
6 confinement; prohibiting a person from depositing or concealing a
7 telecommunication device in or about a place of confinement or on land
8 appurtenant to a place of confinement with a certain intent; prohibiting a
9 person detained in a place of confinement from receiving a telecommunication
10 device; making a violation of this Act a felony; establishing a penalty for a
11 violation of this Act; defining a certain term; altering the penalty for delivering
12 a controlled dangerous substance to a person detained or confined in a place of
13 confinement or for possessing a controlled dangerous substance with a certain
14 intent; and generally relating to contraband in places of confinement.

15 BY renumbering

16 Article - Criminal Law
17 Section 9-417
18 to be Section 9-418
19 Annotated Code of Maryland
20 (2002 Volume and 2004 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article - Criminal Law
23 Section 9-410 and 9-416
24 Annotated Code of Maryland
25 (2002 Volume and 2004 Supplement)

26 BY adding to

27 Article - Criminal Law
28 Section 9-417

1 Annotated Code of Maryland
2 (2002 Volume and 2004 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That Section(s) 9-417 of Article - Criminal Law of the Annotated Code
5 of Maryland be renumbered to be Section(s) 9-418.

6 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
7 read as follows:

8 **Article - Criminal Law**

9 9-410.

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

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

12 (c) "Contraband" means any item, material, substance, or other thing that:

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

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

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

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

21 (f) (1) "Place of confinement" means:

22 (i) a correctional facility;

23 (ii) a facility of the Department of Health and Mental Hygiene;

24 (iii) a detention center for juveniles;

25 (iv) a facility for juveniles listed in Article 83C, § 2-117(a)(2) of the
26 Code;

27 (v) a place identified in a juvenile community detention order; or

28 (vi) any other facility in which a person is confined under color of
29 law.

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

1 (G) "TELECOMMUNICATION DEVICE" MEANS:

2 (1) ANY TYPE OF INSTRUMENT, DEVICE, MACHINE, OR EQUIPMENT
3 THAT IS CAPABLE OF TRANSMITTING TELEPHONIC, ELECTRONIC, DIGITAL,
4 CELLULAR, OR RADIO COMMUNICATIONS, INCLUDING A CELLULAR TELEPHONE,
5 DIGITAL TELEPHONE, PICTURE TELEPHONE, OR MODEM-EQUIPPED DEVICE; AND

6 (2) ANY PART OF AN INSTRUMENT, DEVICE, MACHINE, OR EQUIPMENT
7 THAT IS CAPABLE OF FACILITATING THE TRANSMISSION OF TELEPHONIC,
8 ELECTRONIC, DIGITAL, CELLULAR, OR RADIO COMMUNICATIONS.

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

11 9-416.

12 (a) A person may not:

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

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

17 (b) A person who violates this section is guilty of a [misdemeanor] FELONY
18 and on conviction is subject to imprisonment not exceeding [3] 10 years or a fine not
19 exceeding [\$1,000] \$5,000 or both.

20 9-417.

21 (A) (1) A PERSON MAY NOT DELIVER A TELECOMMUNICATION DEVICE TO A
22 PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT.

23 (2) A PERSON MAY NOT POSSESS A TELECOMMUNICATION DEVICE WITH
24 THE INTENT TO DELIVER IT TO A PERSON DETAINED OR CONFINED IN A PLACE OF
25 CONFINEMENT.

26 (3) A PERSON MAY NOT DEPOSIT OR CONCEAL A TELECOMMUNICATION
27 DEVICE IN OR ABOUT A PLACE OF CONFINEMENT OR ON ANY LAND APPURTENANT
28 TO THE PLACE OF CONFINEMENT WITH THE INTENT THAT THE
29 TELECOMMUNICATION DEVICE BE OBTAINED BY A PERSON DETAINED OR CONFINED
30 IN THE PLACE OF CONFINEMENT.

31 (4) A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT
32 MAY NOT RECEIVE A TELECOMMUNICATION DEVICE.

33 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON
34 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE
35 NOT EXCEEDING \$5,000 OR BOTH.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2005.