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By: **Delegates Eckardt, Aumann, Barkley, Boteler, Bozman, Cluster, Cryor, DeBoy, Edwards, Elmore, Frank, Gilleland, Haddaway, Impallaria, Kohl, Leopold, Mayer, McComas, McDonough, Miller, O'Donnell, Shank, Shewell, Smigiel, Stocksdales, Stull, Walkup, and Weldon**

Introduced and read first time: February 2, 2006

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Unauthorized Possession of Contraband - Place of Confinement**

3 FOR the purpose of prohibiting a person from knowingly possessing certain  
4 contraband in a certain place of confinement without authorization by a certain  
5 managing official; establishing penalties for a violation of this Act; and generally  
6 relating to possession of contraband in a place of confinement.

7 BY repealing and reenacting, without amendments,  
8 Article - Criminal Law  
9 Section 9-410(a), (c), (e), and (f), 9-411, 9-413, 9-414, 9-415, and 9-416  
10 Annotated Code of Maryland  
11 (2002 Volume and 2005 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article - Criminal Law  
14 Section 9-412  
15 Annotated Code of Maryland  
16 (2002 Volume and 2005 Supplement)

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

19 **Article - Criminal Law**

20 9-410.

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

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

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

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

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

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

7 (i) a correctional facility;

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

9 (iii) a detention center for juveniles;

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

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

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

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

17 9-411.

18 This part does not apply to a drug or substance that is legally possessed by an  
19 individual under a written prescription issued by a person authorized by law and  
20 designated by the managing official to prescribe inmate medication.

21 9-412.

22 (a) A person may not:

23 (1) deliver any contraband to a person detained or confined in a place of  
24 confinement; [or]

25 (2) possess any contraband with intent to deliver it to a person detained  
26 or confined in a place of confinement; OR

27 (3) **WITHOUT AUTHORIZATION BY THE MANAGING OFFICIAL,**  
28 **KNOWINGLY POSSESS CONTRABAND IN A PLACE OF CONFINEMENT.**

29 (b) A person who violates this section is guilty of a misdemeanor and on  
30 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding  
31 \$1,000 or both.

1 9-413.

2 (a) (1) A person may not deliver contraband to a person detained or confined  
3 in a place of confinement with the intent to effect an escape.

4 (2) A person may not possess contraband with the intent to deliver it to a  
5 person detained or confined in a place of confinement to effect an escape.

6 (3) A person may not deposit or conceal any contraband in or about a  
7 place of confinement or on any land appurtenant to the place of confinement to effect  
8 an escape.

9 (4) A person detained or confined in a place of confinement may not  
10 receive contraband to effect an escape.

11 (b) A person who violates this section is guilty of a felony and on conviction is  
12 subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.  
13 9-414.

14 (a) (1) A person may not deliver a weapon to a person detained or confined  
15 in a place of confinement.

16 (2) A person may not possess a weapon with the intent to deliver it to a  
17 person detained or confined in a place of confinement.

18 (3) A person may not deposit or conceal a weapon in or about a place of  
19 confinement or on any land appurtenant to the place of confinement to effect an  
20 escape.

21 (4) A person detained or confined in a place of confinement may not  
22 receive a weapon.

23 (b) A person who violates this section is guilty of a felony and on conviction is  
24 subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.  
25 9-415.

26 (a) This section does not apply to an alcoholic beverage delivered or possessed  
27 in a manner authorized by the managing official.

28 (b) A person may not:

29 (1) deliver an alcoholic beverage to a person detained or confined in a  
30 place of confinement; or

31 (2) possess an alcoholic beverage with the intent to deliver it to a person  
32 detained or confined in a place of confinement.

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

4 9-416.

5 (a) A person may not:

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

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

10 (b) A person who violates this section is guilty of a misdemeanor and on  
11 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding  
12 \$1,000 or both.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2006.