

(PRE-FILED)

By: ~~Senator Colburn~~ **Senators Colburn, Garagiola, Jacobs, Pipkin, and Stone**

Requested: November 15, 2005
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Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
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CHAPTER _____

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 to effect an escape, a weapon, an alcoholic beverage, a controlled
5 dangerous substance, or a telecommunication device in a certain place of
6 confinement without authorization by a certain managing official; establishing
7 penalties for a violation of this Act; defining a certain term; and generally
8 relating to possession of contraband in a place of confinement.

9 BY repealing and reenacting, without amendments,
10 Article - Criminal Law
11 Section 9-410(a), (c), (e), and (f), 9-411, 9-413, 9-414, 9-415, and 9-416
12 Annotated Code of Maryland
13 (2002 Volume and 2005 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Criminal Law
16 Section 9-410(g) and 9-412
17 Annotated Code of Maryland
18 (2002 Volume and 2005 Supplement)

19 BY adding to
20 Article - Criminal Law
21 Section 9-410(g)

1 Annotated Code of Maryland
2 (2002 Volume and 2005 Supplement)

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

5 **Article - Criminal Law**

6 9-410.

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

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

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

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

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

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

16 (i) a correctional facility;

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

18 (iii) a detention center for juveniles;

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

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

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

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

26 (G) (1) "TELECOMMUNICATION DEVICE" MEANS:

27 (I) A DEVICE THAT IS ABLE TO TRANSMIT TELEPHONIC,
28 ELECTRONIC, DIGITAL, CELLULAR, OR RADIO COMMUNICATIONS; OR

29 (II) A PART OF A DEVICE THAT IS ABLE TO TRANSMIT TELEPHONIC,
30 ELECTRONIC, DIGITAL, CELLULAR, OR RADIO COMMUNICATIONS, REGARDLESS OF
31 WHETHER THE PART ITSELF IS ABLE TO TRANSMIT.

1 (2) "TELECOMMUNICATION DEVICE" INCLUDES A CELLULAR
2 TELEPHONE, DIGITAL TELEPHONE, PICTURE TELEPHONE, AND A MODEM-EQUIPPED
3 DEVICE.

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

6 9-411.

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

10 9-412.

11 (a) A person may not:

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

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

16 (3) WITHOUT AUTHORIZATION BY THE MANAGING OFFICIAL,
17 KNOWINGLY POSSESS CONTRABAND TO EFFECT AN ESCAPE, A WEAPON, AN
18 ALCOHOLIC BEVERAGE, A CONTROLLED DANGEROUS SUBSTANCE, OR A
19 TELECOMMUNICATION DEVICE IN A PLACE OF CONFINEMENT.

20 (b) A person who violates this section is guilty of a misdemeanor and on
21 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
22 \$1,000 or both.

23 9-413.

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

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

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

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

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

1 9-414.

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

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

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

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

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 9-415.

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

16 (b) A person may not:

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

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

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

24 9-416.

25 (a) A person may not:

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

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

30 (b) A person who violates this section is guilty of a misdemeanor and on
31 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
32 \$1,000 or both.

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

