

HB1194/678070/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1194
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Criminal Law” and substitute “Crimes”; in the same line, strike “of Contraband”; in the same line, strike “Places” and substitute “Place”; in line 5, after “a” insert “certain”; and in the same line, after “confinement” insert “without authorization by a certain managing official”.

On pages 1 and 2, strike beginning with “prohibiting” in line 6 on page 1 down through “penalties” in line 2 on page 2 and substitute “prohibiting a person from knowingly possessing certain contraband to effect an escape, a weapon, or a telecommunication device in a certain place of confinement; prohibiting a person from knowingly receiving or possessing an alcoholic beverage or a controlled dangerous substance in a certain place of confinement; prohibiting a person from delivering a telecommunication device to a certain person in a certain place of confinement; establishing penalties for a violation of this Act”.

On page 2, strike beginning with “, receiving” in line 3 down through “prohibited” in line 4 and substitute “of certain”; strike in their entirety lines 5 through 10, inclusive, and substitute:

“BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 9–401(c), 9–410(a), (c), (e), and (f), and 9–411

Annotated Code of Maryland

(2002 Volume and 2006 Supplement)”;

(Over)

in line 13, strike “9-410” and substitute “9-410(g)”; in the same line, strike “and 9-416” and substitute “9-416, and 9-417”; and in line 18, after “Section” insert “9-410(g) and”.

AMENDMENT NO. 2

On page 2, strike beginning with “Section(s)” in line 22 down through “That” in line 24; after line 26, insert:

“9-401.

(c) “Escape” retains its judicially determined meaning.”;

and strike line 29 in its entirety.

On page 3, strike in their entirety lines 3 and 4.

On page 4, after line 5, insert:

“9-411.

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

in line 12, after “(3)” insert “**WITHOUT AUTHORIZATION BY THE MANAGING OFFICIAL,**”; in line 26, strike “**KNOWINGLY POSSESS OR**”; and in the same line, after “receive” insert “**OR KNOWINGLY POSSESS**”.

On page 5, in lines 10 and 22, strike “**KNOWINGLY POSSESS OR**”; in line 10, after “receive” insert “**OR KNOWINGLY POSSESS**”; and in line 22, after “**RECEIVE**” insert “**OR KNOWINGLY POSSESS**”.

On page 6, in line 6, strike “**KNOWINGLY POSSESS OR**”; in the same line, after “**RECEIVE**” insert “**OR KNOWINGLY POSSESS**”; in line 12, strike “**(1)**”; in line 13, after “**CONFINEMENT**” insert “**WITH SIGNS POSTED INDICATING THAT SUCH CONDUCT IS PROHIBITED**”; strike in their entirety lines 14 through 27, inclusive, and substitute:

“(B) A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT MAY NOT RECEIVE OR KNOWINGLY POSSESS A TELECOMMUNICATION DEVICE.

“(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

“(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH; AND

“(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

[9-417.] 9-418.

A sentence imposed under this part may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the crime under this part.”;

and in line 28, strike “3.” and substitute “2.”.