

SENATE BILL 214

E1
SB 38/06 – JPR

71r0988

By: **Senators Colburn, Harris, Jacobs, Jones, Middleton, Munson, Pugh, and Stone**

Introduced and read first time: January 29, 2007

Assigned to: Judicial Proceedings

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 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 9–401(c), 9–410(a), (c), (e), and (f), 9–411, 9–413, 9–414, 9–415, and
12 9–416
13 Annotated Code of Maryland
14 (2002 Volume and 2006 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Law
17 Section 9–410(g) and 9–412
18 Annotated Code of Maryland
19 (2002 Volume and 2006 Supplement)

20 BY adding to
21 Article – Criminal Law
22 Section 9–410(g)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2002 Volume and 2006 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 9–401.

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

8 9–410.

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

10 (c) “Contraband” means any item, material, substance, or other thing that:

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

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

14 (e) “Managing official” means the administrator, director, warden,
15 superintendent, sheriff, or other individual responsible for the management of a place
16 of confinement.

17 (f) (1) “Place of confinement” means:

18 (i) a correctional facility;

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

20 (iii) a detention center for juveniles;

21 (iv) a facility for juveniles listed in Article 83C, § 2–117(a)(2) of
22 the Code;

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

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

1 (2) “Place of confinement” does not include a place identified in a home
2 detention order or agreement.

3 **(G) (1) “TELECOMMUNICATION DEVICE” MEANS:**

4 **(I) A DEVICE THAT IS ABLE TO TRANSMIT TELEPHONIC,**
5 **ELECTRONIC, DIGITAL, CELLULAR, OR RADIO COMMUNICATIONS; OR**

6 **(II) A PART OF A DEVICE THAT IS ABLE TO TRANSMIT**
7 **TELEPHONIC, ELECTRONIC, DIGITAL, CELLULAR, OR RADIO COMMUNICATIONS,**
8 **REGARDLESS OF WHETHER THE PART ITSELF IS ABLE TO TRANSMIT.**

9 **(2) “TELECOMMUNICATION DEVICE” INCLUDES A CELLULAR**
10 **TELEPHONE, DIGITAL TELEPHONE, PICTURE TELEPHONE, AND**
11 **MODEM-EQUIPPED DEVICE.**

12 [(g)] **(H) “Weapon” means a gun, knife, club, explosive, or other article that**
13 **can be used to kill or inflict bodily injury.**

14 9-411.

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

18 9-412.

19 (a) A person may not:

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

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

24 **(3) WITHOUT AUTHORIZATION BY THE MANAGING OFFICIAL,**
25 **KNOWINGLY POSSESS CONTRABAND TO EFFECT AN ESCAPE, A WEAPON, AN**
26 **ALCOHOLIC BEVERAGE, A CONTROLLED DANGEROUS SUBSTANCE, OR A**
27 **TELECOMMUNICATION DEVICE IN A PLACE OF CONFINEMENT.**

1 (b) 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 9-413.

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

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

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

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

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

16 9-414.

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

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

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

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

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

28 9-415.

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

3 (b) A person may not:

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

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

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

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
16 it to a person detained or confined in a place of confinement.

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2007.