

## CHAPTER 536

(House Bill 1194)

AN ACT concerning

### **Criminal Law – Unauthorized Possession of Contraband – ~~Places~~ Place of Confinement**

FOR the purpose of prohibiting a person from knowingly possessing certain contraband in a place of confinement ~~without authorization by the managing official of the place of confinement~~; prohibiting a person detained or confined in a place of confinement from knowingly possessing a weapon or contraband to effect an escape; prohibiting a person detained or confined in a place of confinement from knowingly possessing or receiving an alcoholic beverage or controlled dangerous substance; prohibiting a person from delivering a certain telecommunication device to a person detained or confined in a *certain* place of confinement, possessing a certain telecommunication device with the intent to deliver it to a person detained or confined in a *certain* place of confinement, or depositing or concealing a certain telecommunication device in a certain manner with a certain intent; prohibiting a person detained or confined in a place of confinement from knowingly possessing or receiving a certain telecommunication device; establishing certain criminal penalties; defining a certain term; and generally relating to possession, receiving, or delivering of contraband and other prohibited items in a place of confinement.

BY renumbering

Article – Criminal Law

Section 9–417

to be Section 9–418

Annotated Code of Maryland

(2002 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 9–410, 9–412, 9–413, 9–414, 9–415, and 9–416

Annotated Code of Maryland

(2002 Volume and 2006 Supplement)

BY adding to

Article – Criminal Law

Section 9–417  
Annotated Code of Maryland  
(2002 Volume and 2006 Supplement)

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

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

**Article – Criminal Law**

9–410.

- (a) In this part the following words have the meanings indicated.
- (b) “Alcoholic beverage” means beer, wine, or distilled spirits.
- (c) “Contraband” means any item, material, substance, or other thing that:
  - (1) is not authorized for inmate possession by the managing official; or
  - (2) is brought into the correctional facility in a manner prohibited by the managing official.
- (d) “Controlled dangerous substance” has the meaning stated in § 5–101 of this article.
- (e) “Managing official” means the administrator, director, warden, superintendent, sheriff, or other individual responsible for the management of a place of confinement.
- (f) (1) “Place of confinement” means:
  - (i) a correctional facility;
  - (ii) a facility of the Department of Health and Mental Hygiene;
  - (iii) a detention center for juveniles;

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

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

or

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

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

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

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

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

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

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

9-412.

(a) A person may not:

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

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

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

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

9-413.

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

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

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

(4) A person detained or confined in a place of confinement may not **KNOWINGLY POSSESS OR** receive contraband to effect an escape.

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

9-414.

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

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

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

(4) A person detained or confined in a place of confinement may not **KNOWINGLY POSSESS OR** receive a weapon.

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

9-415.

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

(b) A person may not:

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

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

**(C) A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT MAY NOT KNOWINGLY POSSESS OR RECEIVE AN ALCOHOLIC BEVERAGE.**

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

9-416.

(a) A person may not:

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

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

**(B) A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT MAY NOT KNOWINGLY POSSESS OR RECEIVE A CONTROLLED DANGEROUS SUBSTANCE.**

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

9-417.

**(A) (1) A PERSON MAY NOT DELIVER A TELECOMMUNICATION DEVICE TO A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT WITH SIGNS POSTED INDICTING THAT SUCH CONDUCT IS PROHIBITED.**

(2) A PERSON MAY NOT POSSESS A TELECOMMUNICATION DEVICE WITH THE INTENT TO DELIVER IT TO A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT WITH SIGNS POSTED INDICTING THAT SUCH CONDUCT IS PROHIBITED.

(3) A PERSON MAY NOT DEPOSIT OR CONCEAL A TELECOMMUNICATION DEVICE IN OR ABOUT A PLACE OF CONFINEMENT WITH SIGNS POSTED INDICTING THAT SUCH CONDUCT IS PROHIBITED OR ON ANY LAND APPURTENANT TO THE PLACE OF CONFINEMENT WITH THE INTENT THAT IT BE OBTAINED BY A PERSON DETAINED OR CONFINED IN THE PLACE OF CONFINEMENT.

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

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A ~~FELONY~~ MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~10~~ 3 YEARS OR A FINE NOT EXCEEDING ~~\$5,000~~ \$1,000 OR BOTH.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007.

Approved by the Governor, May 17, 2007.