

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 988  
Appropriations

(Delegate Shank, *et al.*)

Judicial Proceedings

---

Correctional Services - Strip Searches of Employees - Reporting Requirement

---

This bill requires the Secretary of Public Safety and Correctional Services to provide reports on “strip searches” conducted on employees of the Department of Public Safety and Correctional Services (DPSCS) to determine the presence of contraband.

---

Fiscal Summary

**State Effect:** None. The bill’s requirements can be handled with the existing budgeted resources of DPSCS and the Office of the Attorney General.

**Local Effect:** None.

**Small Business Effect:** None.

---

Analysis

**Bill Summary:** The Secretary must forward a report to the Attorney General each month on: (1) actions taken during each strip search conducted during the previous month; and (2) actions regarding the strip search taken in accordance with any regulation, administrative policy, or directive adopted by DPSCS, the Division of Correction (DOC), the Division of Pretrial Detention and Services (DPDS), or the Patuxent Institution.

By December 31 of each year, the Secretary must forward to the Legislative Policy Committee, the Senate Budget and Taxation Committee, and the House Appropriations Committee, a report on strip searches performed during the preceding 12 months, that includes the number of strip searches performed at each State correctional facility and a compilation of the reports required under the bill.

**Current Law:** There are no current statutory provisions requiring reports on strip searches of employees of DPSCS.

Under provisions governing contraband in prisons or jails, “contraband” means any item, material, substance, or other thing of value 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. Chapter 41 of 2002 clarified that any item, material, substance, or other thing need not have any particular value to be considered contraband in a correctional facility.

Chapter 535 of 2007 specified that a person is prohibited from knowingly possessing contraband in a place of confinement. A violator is guilty of a misdemeanor and subject to current law maximum penalties of imprisonment for three years and/or a fine of \$1,000. A person is also prohibited from knowingly possessing or receiving a weapon or contraband to effect an escape. A violator is guilty of a felony and subject to current law maximum penalties of imprisonment for 10 years and/or a fine of \$5,000.

In addition, Chapter 535 specified that a person detained or confined in a place of confinement is prohibited from knowingly possessing or receiving an alcoholic beverage or controlled dangerous substance. A violator is guilty of a misdemeanor and subject to current law maximum penalties of imprisonment for three years and/or a fine of \$1,000.

Also under Chapter 535: (1) a person may not deliver a “telecommunication device” to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited; (2) a person may not possess such a device with the intent to deliver it to a detained or confined person; (3) a person may not deposit or conceal such a device in or about a place of confinement or on any land appurtenant to such a place with the intent that the device be obtained by a detained or confined person; and (4) a detained or confined person may not knowingly possess or receive a telecommunication device. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for three years and/or a fine of \$1,000.

Under COMAR provisions (12.14.04.01) relating to the standards for security and inmate control, the managing official of a correctional facility must have a written policy governing the search of the facility, vendors, vehicles, inmates, visitors, and staff, which includes provisions for:

- a personnel search according to established policies;
- a once-a-year recorded search of inmate living and activity areas;
- a recorded search of an inmate involved in community activities;

- searches of other inmates;
- a recorded search of a vehicle which enters a secured perimeter;
- a search of a visitor performed in accordance with established policies;
- protection of inmate property;
- a receipt to be given to an inmate whose personal property is confiscated and identified as returnable;
- chain of custody and the preservation of evidence according to established policies;
- inspection of body cavities to be conducted in private by qualified health care personnel when there is a reasonable belief that the inmate possesses contraband of a life-threatening or health-endangering nature;
- a strip search of an inmate to be performed in private by facility personnel of the same sex; and
- instruction of security personnel in search regulations.

A volunteer at a correctional facility must sign an authorization for a frisk search. The shift supervisor may deny a volunteer access to the institution if the volunteer refuses to consent to a clothed body search.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Office of the Attorney General, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - March 13, 2009  
ncs/hlb Revised - House Third Reader - March 31, 2009

---

Analysis by: Guy G. Cherry

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510