

# HOUSE BILL 587

E1

2lr0086

---

By: **Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: February 6, 2012

Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Contraband – Telecommunication Devices – Penalty**

3 FOR the purpose of prohibiting a person from attempting to deliver a  
4 telecommunication device to a person detained or confined in a certain place of  
5 confinement; increasing the penalty for a certain person who knowingly  
6 possesses or receives a telecommunication device; increasing the penalty for  
7 certain subsequent violations; requiring a certain sentence to be served  
8 consecutive to another sentence; prohibiting a certain sentence from being  
9 suspended; and generally relating to the prohibition against telecommunication  
10 devices in a place of confinement.

11 BY repealing and reenacting, with amendments,  
12 Article – Criminal Law  
13 Section 9–417  
14 Annotated Code of Maryland  
15 (2002 Volume and 2011 Supplement)

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

18 **Article – Criminal Law**

19 9–417.

20 (a) (1) A person may not deliver **OR ATTEMPT TO DELIVER** a  
21 telecommunication device to a person detained or confined in a place of confinement  
22 with signs posted indicating that such conduct is prohibited.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2) A person may not possess a telecommunication device with the  
2 intent to deliver it to a person detained or confined in a place of confinement with  
3 signs posted indicating that such conduct is prohibited.

4           (3) A person may not deposit or conceal a telecommunication device in  
5 or about a place of confinement with signs posted indicating that such conduct is  
6 prohibited or on any land appurtenant to the place of confinement with the intent that  
7 it be obtained by a person detained or confined in the place of confinement.

8           (4) A person detained or confined in a place of confinement may not  
9 knowingly possess or receive a telecommunication device.

10           **(b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF**  
11 **THIS SUBSECTION, A person who violates this section is guilty of a misdemeanor and**  
12 **on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding**  
13 **\$1,000 or both.**

14           **(2) A PERSON WHO VIOLATES SUBSECTION (A)(4) OF THIS**  
15 **SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO**  
16 **IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR**  
17 **BOTH.**

18           **(3) A PERSON WHO COMMITS A SECOND OR SUBSEQUENT**  
19 **VIOLATION OF SUBSECTION (A) OF THIS SECTION IS GUILTY OF A FELONY AND**  
20 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A**  
21 **FINE NOT EXCEEDING \$5,000 OR BOTH.**

22           **(C) A SENTENCE IMPOSED UNDER SUBSECTION (B)(2) OF THIS SECTION**  
23 **SHALL BE CONSECUTIVE TO ANY SENTENCE THAT THE PERSON WAS SERVING AT**  
24 **THE TIME OF THE CRIME OR THAT HAD BEEN IMPOSED BUT WAS NOT YET BEING**  
25 **SERVED AT THE TIME OF SENTENCING.**

26           **(D) A SENTENCE IMPOSED UNDER SUBSECTIONS (B)(2) OR (B)(3) OF**  
27 **THIS SECTION MAY NOT BE SUSPENDED.**

28           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2012.