

HOUSE BILL 175

E1

4lr1201
CF SB 206

By: **Delegate Guzzone (Chair, Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities) and Delegate Cluster**

Introduced and read first time: January 15, 2014

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 2014

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Contraband – Telecommunication Devices and Accessories –**
3 **Penalty**

4 FOR the purpose of prohibiting a person from attempting to deliver ~~a~~
5 ~~telecommunication device to a person detained or confined in a certain place of~~
6 ~~confinement~~ or possessing with the intent to deliver certain telecommunication
7 devices or accessories to a person detained or confined in a certain place of
8 confinement; prohibiting a person from depositing or concealing certain
9 telecommunication devices or accessories in or about a place of confinement;
10 prohibiting a person detained or confined in a place of confinement from
11 knowingly possessing or receiving certain telecommunication devices or
12 accessories; increasing and applying the penalty for certain violations relating
13 to delivering, possessing, or receiving a telecommunication device in a place of
14 confinement; requiring a certain sentence to be served consecutive to another
15 sentence; and generally relating to the prohibition against telecommunication
16 devices in a place of confinement.

17 BY repealing and reenacting, with amendments,
18 Article – Criminal Law
19 Section 9–417
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Criminal Law**

4 9–417.

5 (a) (1) A person may not deliver **OR ATTEMPT TO DELIVER** a
6 telecommunication device, **TELECOMMUNICATION DEVICE CHARGER, OR**
7 **SUBSCRIBER IDENTIFICATION MODULE (SIM) CARD** to a person detained or
8 confined in a place of confinement with signs posted indicating that such conduct is
9 prohibited.

10 (2) A person may not possess a telecommunication device,
11 **TELECOMMUNICATION DEVICE CHARGER, OR SIM CARD** with the intent to deliver
12 it to a person detained or confined in a place of confinement with signs posted
13 indicating that such conduct is prohibited.

14 (3) A person may not deposit or conceal a telecommunication device,
15 **TELECOMMUNICATION DEVICE CHARGER, OR SIM CARD** in or about a place of
16 confinement with signs posted indicating that such conduct is prohibited or on any
17 land appurtenant to the place of confinement with the intent that it be obtained by a
18 person detained or confined in the place of confinement.

19 (4) A person detained or confined in a place of confinement may not
20 knowingly possess or receive a telecommunication device, **TELECOMMUNICATION**
21 **DEVICE CHARGER, OR SIM CARD.**

22 (b) A person who violates this section is guilty of a misdemeanor and on
23 conviction is subject to imprisonment not exceeding [3] 5 years or a fine not exceeding
24 [\$1,000] **\$3,000** or both.

25 (c) **A SENTENCE IMPOSED FOR A VIOLATION OF SUBSECTION (A)(4) OF**
26 **THIS SECTION SHALL BE CONSECUTIVE TO ANY SENTENCE THAT THE PERSON**
27 **WAS SERVING AT THE TIME OF THE CRIME OR THAT HAD BEEN IMPOSED BUT**
28 **WAS NOT YET BEING SERVED AT THE TIME OF SENTENCING.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2014.