

HOUSE BILL 78

E1

0lr0124

(PRE-FILED)

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

Requested: November 2, 2009

Introduced and read first time: January 13, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of making a felony certain offenses relating to possessing, delivering,
4 concealing, or receiving a telecommunication device in a place of confinement;
5 increasing certain maximum penalties; and generally relating to
6 telecommunication devices in places of confinement.

7 BY repealing and reenacting, with amendments,

8 Article – Criminal Law

9 Section 9–417

10 Annotated Code of Maryland

11 (2002 Volume and 2009 Supplement)

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

14 **Article – Criminal Law**

15 9–417.

16 (a) (1) A person may not deliver a telecommunication device to a person
17 detained or confined in a place of confinement with signs posted indicating that such
18 conduct is prohibited.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2010.