

SENATE BILL 478

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3lr2219
CF 3lr2376

By: **Senators Shank and Getty**

Introduced and read first time: January 30, 2013

Assigned to: Judicial Proceedings

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 certain subsequent violations; requiring
6 a certain sentence to be served consecutive to another sentence; and generally
7 relating to the prohibition against telecommunication devices in a place of
8 confinement.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 9–417
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2012 Supplement)

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

16 **Article – Criminal Law**

17 9–417.

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

21 (2) A person may not possess a telecommunication device with the
22 intent to deliver it to a person detained or confined in a place of confinement with
23 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) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
8 **SUBSECTION, A person who violates this section is guilty of a misdemeanor and on**
9 **conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding**
10 **\$1,000 or both.**

11 **(2) A PERSON WHO COMMITS A SECOND OR SUBSEQUENT**
12 **VIOLATION OF SUBSECTION (A) OF THIS SECTION IS GUILTY OF A FELONY AND**
13 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A**
14 **FINE NOT EXCEEDING \$5,000 OR BOTH.**

15 **(C) A SENTENCE IMPOSED FOR A VIOLATION OF SUBSECTION (A)(4) OF**
16 **THIS SECTION SHALL BE CONSECUTIVE TO ANY SENTENCE THAT THE PERSON**
17 **WAS SERVING AT THE TIME OF THE CRIME OR THAT HAD BEEN IMPOSED BUT**
18 **WAS NOT YET BEING SERVED AT THE TIME OF SENTENCING.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2013.