

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1453, L.D. 2027, Bill, "An Act Concerning Trafficking in Prison Contraband"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 17-A MRSA §756, sub-§2, as amended by PL 1975, c. 740, §84, is further amended to read:

2. As used in this section, "contraband" means a dangerous weapon, any tool or other thing that may be used to facilitate a violation of section 755, or any other thing which ~~that~~ a person confined in official custody is prohibited by statute ~~or regulation~~ from making or possessing.

Sec. 2. 17-A MRSA §757, sub-§1, ¶A, as enacted by PL 1975, c. 499, §1, is amended to read:

A. He ~~That person~~ intentionally conveys or attempts to convey contraband to any person in official custody; or'

STATEMENT OF FACT

Routinely, persons seeking to convey contraband to prisoners are foiled in their efforts by law enforcement officials before the contraband is actually conveyed to the intended inmate. Because the contraband does not get into the hands of the prisoners, the conveyor of the contraband commits attempted trafficking in prison contraband, a Class D crime.

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2 This amendment eliminates the requirement that the
3 contraband actually reach the prisoner for the attempt at
4 trafficking to be a Class C crime. It also amends the definition
5 of contraband to include only those items that a prisoner is
6 prohibited by law from making or possessing. Items prohibited by
7 rule will not be considered contraband for the purposes of the
8 crime of trafficking in prison contraband. Since the possession
9 of drugs is already prohibited by law, drugs are still included
10 in the definition of contraband.

Reported by the Committee on Judiciary
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