

# MAINE STATE LEGISLATURE

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Date: 4/14/9

(Filing No. H-101)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 445, L.D. 631, Bill, "An Act To Amend the Laws Relating to the Department of Corrections"

Amend the bill by inserting after section 3 the following:

'Sec. 4. 17-A MRSA §756, sub-§2, as amended by PL 1989, c. 706, §1, 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 that a person confined in official custody is prohibited by statute from making or, possessing or trafficking in or a scheduled drug as defined in section 1101, subsection 11, unless the drug was validly prescribed to the person in official custody and was approved for use by the person pursuant to the procedures of the custodial agency.'

Amend the bill in section 9 in subsection 1 in paragraph A in the 2nd line (page 4, line 16 in L.D.) by striking out the following: "to perform intensive supervision functions" and inserting the following: 'to perform intensive supervision functions'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment adds language to the definition of "contraband" in the crime of aiding escape, which is cross-referenced in the crime of trafficking in prison contraband, to address the problem of prisoners smuggling drugs that are prescribed to them in the community but that are not permitted in a county jail or Department of Corrections facility. The amendment ensures that a prisoner has only a drug that was validly prescribed to the prisoner and that the custodial agency has approved the use of the drug. The amendment also retains language referring to a probation officer's duty to perform intensive supervision functions, instead of striking the reference as proposed in the bill.

COMMITTEE AMENDMENT