

(D) PENALTY.

AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 122A(b)(1), (2), and (4), as they related to weapons.

In subsections (a), (b), and (d) of this section, the references to an "individual" are substituted for the former reference to a "person" because only a human being, and not the other entities included in the defined term "person", can deliver, possess, or receive a weapon. See § 1-101 of this article for the definition of "person".

In subsection (c) of this section, the reference to "[a]n inmate" is added to state expressly that which was only implied in the former law.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that the prohibition against receipt of a weapon set forth in subsection (c) of this section does not apply to individuals other than inmates, *i.e.*, aiders and abettors. If the General Assembly intended that subsection (c) apply to aiders and abettors, it should be amended accordingly. See also § 8-803(d) of this subtitle and accompanying Revisor's Note.

The Correctional Services Article Review Committee further notes, for consideration by the General Assembly, that, with one exception, this section mirrors the provisions of § 8-803 of this subtitle. Taken together, these two sections prohibit delivery, possession with intent to deliver, and receipt of weapons and contraband to effect an escape. Section 8-803 also prohibits an individual from depositing or concealing contraband in or about a correctional facility or on any land appurtenant to the facility to effect an escape. The General Assembly may wish to amend this section to prohibit an individual from depositing or concealing a weapon in or about a correctional facility or on any land appurtenant to the facility.

Defined terms: "Correctional facility" § 1-101

"Inmate" § 1-101

"Weapon" § 8-801

8-803. CONTRABAND IN CORRECTIONAL FACILITIES; TO EFFECT AN ESCAPE.

(A) DELIVERY; PROHIBITED.

AN INDIVIDUAL MAY NOT DELIVER CONTRABAND TO AN INMATE TO EFFECT AN ESCAPE.

(B) POSSESSION WITH INTENT TO DELIVER; PROHIBITED.