

DEC 02 2010

MEMO



Senate of Pennsylvania

December 1, 2010

TO: ALL SENATORS
FROM: Stewart J. Greenleaf *Stewart*
SUBJECT: Cosponsorship -- **Prison contraband**

I am reintroducing **Senate Bill 73**, expanding and clarifying the sections of the Crimes Code, Title 18 of the Pennsylvania Consolidated Statutes, to prohibit contraband, including weapons, implements of escape and other dangerous materials, in correctional institutions, youth development centers, and forensic units of state mental hospitals. For purposes of this legislation these institutions are referred to as "facilities." The legislation defines "confined person," "dangerous material," "implement of escape," and "weapon."

"Confined person" is defined as an individual committed to a facility, regardless of whether the individual is temporarily absent from the facility due to medical treatment, transportation, court appearance, or other reason. The legislation replaces "inmate" with "confined person" because "inmate" is not an appropriate term for a person committed to a state mental hospital.

"Dangerous material" is defined as any incendiary material or device, highly flammable or caustic liquid, explosive, bullet or other material readily capable of causing death or serious bodily injury. "Implement of escape" is defined as a tool, implement, device, equipment or other item that can facilitate, aid or conceal an escape or attempted escape by a confined person. "Weapon" is defined as an implement readily capable of lethal use and includes any firearm, knife, dagger, razor, other cutting or stabbing implement, or club.

The legislation increases penalties for certain offenses under these sections. Under section 5122 it is a felony of the second degree to deliver a weapon, implement of escape or dangerous material to a confined person. In addition, it is a felony of the second degree for a confined person to possess a weapon, implement of escape or dangerous material. Currently these offenses are misdemeanors of the first degree.

Under section 5123 an individual commits a first degree misdemeanor if he delivers money to an inmate committed to a correctional institution. Currently this offense is a misdemeanor of the third degree. This offense does not apply to depositing money in an inmate account through proper means. A confined person commits a misdemeanor of the first degree if he possesses money or other contraband, the delivery of which is prohibited.

Recognizing the need to update the terminology and penalties in these sections of the law, the Department of Corrections assisted us in drafting and supports this legislation.

During the 2009-2010 legislative session, the Senate passed Senate Bill 73 by a vote of 48 to 1. The House Judiciary Committee reported Senate Bill 73 from committee but the bill did not receive a final vote in the House.

If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at psnively@pasen.gov.