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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2094 Session of  
2015

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INTRODUCED BY KORTZ, DIAMOND, THOMAS, ROZZI, HELM, D. COSTA,  
COHEN, GILLEN, MURT, O'NEILL AND NEILSON, MAY 23, 2016

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REFERRED TO COMMITTEE ON JUDICIARY, MAY 23, 2016

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in obstructing governmental  
3 operations, further providing for the offense of contraband.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 5123(b), (c), (c.1) and (c.2) of Title 18  
7 of the Pennsylvania Consolidated Statutes are amended and the  
8 section is amended by adding a subsection to read:

9 § 5123. Contraband.

10 \* \* \*

11 (b) Money to inmates prohibited.--[A]

12 (1) Except as otherwise provided in paragraph (2), a  
13 person commits a misdemeanor of the third degree if he gives  
14 or furnishes money to any inmate confined in a State or  
15 county correctional institution, provided notice of this  
16 prohibition is adequately posted at the institution. A person  
17 may, however, deposit money with the superintendent, warden,  
18 or other authorized individual in charge of a State or county

1 correctional institution for the benefit and use of an inmate  
2 confined therein, which shall be credited to the inmate's  
3 account and expended in accordance with the rules and  
4 regulations of the institution. The person making the deposit  
5 shall be provided with a written receipt for the amount  
6 deposited.

7 (2) A second or subsequent violation of paragraph (1)  
8 shall be graded as a felony of the third degree.

9 (c) Contraband other than controlled substance.--[A]

10 (1) Except as otherwise provided in paragraph (2), a  
11 person commits a misdemeanor of the first degree if he sells,  
12 gives or furnishes to any convict in a prison, or inmate in a  
13 mental hospital, or gives away in or brings into any prison,  
14 mental hospital, or any building appurtenant thereto, or on  
15 the land granted to or owned or leased by the Commonwealth or  
16 county for the use and benefit of the prisoners or inmates,  
17 or puts in any place where it may be secured by a convict of  
18 a prison, inmate of a mental hospital, or employee thereof,  
19 any kind of spirituous or fermented liquor, medicine or  
20 poison (except the ordinary hospital supply of the prison or  
21 mental hospital) without a written permit signed by the  
22 physician of such institution, specifying the quantity and  
23 quality of the substance which may be furnished to any  
24 convict, inmate or employee in the prison or mental hospital,  
25 the name of the prisoner, inmate or employee for whom, and  
26 the time when the same may be furnished, which permit shall  
27 be delivered to and kept by the warden or superintendent of  
28 the prison or mental hospital.

29 (2) A second or subsequent violation of paragraph (1)  
30 shall be graded as a felony of the third degree.

1 (c.1) Telecommunication devices to inmates prohibited.--[A]

2 (1) Except as otherwise provided in paragraph (2), a  
3 person commits a misdemeanor of the first degree if, without  
4 the written permission of superintendent, warden or otherwise  
5 authorized individual in charge of a correctional  
6 institution, prison, jail, detention facility or mental  
7 hospital, he sells, gives or furnishes to any inmate in a  
8 correctional institution, prison, jail, detention facility or  
9 mental hospital, or any building appurtenant thereto, or puts  
10 in any place where it may be obtained by an inmate of a  
11 correctional institution, prison, jail, detention facility or  
12 mental hospital, any telecommunication device.

13 (2) A second or subsequent violation of paragraph (1)  
14 shall be graded as a felony of the third degree.

15 (c.2) Possession of telecommunication devices by inmates  
16 prohibited.--[An]

17 (1) Except as otherwise provided in paragraph (2), an  
18 inmate in a correctional institution, prison, jail, detention  
19 facility or mental hospital, or any building appurtenant  
20 thereto, commits a misdemeanor of the first degree if he has  
21 in his possession any telecommunication device without the  
22 written permission of the superintendent, warden or otherwise  
23 authorized individual in charge of a correctional  
24 institution, prison, jail, detention facility or mental  
25 hospital.

26 (2) A second or subsequent violation of paragraph (1)  
27 shall be graded as a felony of the third degree.

28 (c.3) Possession of telecommunication devices by visitors  
29 and staff prohibited.--

30 (1) Except as otherwise provided under paragraph (2), a

1 visitor or staff member of a correctional institution,  
2 prison, jail, detention facility or mental hospital, or any  
3 building appurtenant, commits a misdemeanor of the first  
4 degree if:

5 (i) he enters the secured perimeter of the  
6 correctional institution, prison, jail, detention  
7 facility or mental hospital, or any building appurtenant,  
8 in possession of any telecommunication device without the  
9 written permission of the superintendent, warden or  
10 otherwise authorized individual in charge of the  
11 correctional institution, prison, jail, detention  
12 facility or mental hospital; and

13 (ii) a notice is posted at the entrance to the  
14 secured perimeter stating that telecommunication devices  
15 are prohibited by law inside the secured perimeter  
16 without written permission of the appropriate official.

17 (2) A second or subsequent violation of paragraph (1)  
18 shall be graded as a felony of the third degree.

19 \* \* \*

20 Section 2. This act shall take effect in 60 days.