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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CORRECTIONS; INCLUDING CANNABIS IN THE DEFINITION OF "CONTRABAND"; PROHIBITING CANNABIS IN PLACES OF IMPRISONMENT; PROVIDING EXCEPTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 30-22-14 NMSA 1978 (being Laws 1976, Chapter 15, Section 1, as amended) is amended to read:

"30-22-14. BRINGING CONTRABAND INTO PLACES OF IMPRISONMENT--PENALTIES--DEFINITIONS.--

A. Bringing contraband into a prison consists of knowingly and voluntarily carrying, transporting or depositing contraband onto the grounds of the penitentiary of New Mexico or any other institution designated by the corrections department for the confinement of adult prisoners. Whoever commits bringing contraband into a prison is guilty of a third

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1 degree felony.

2 B. Bringing contraband into a jail consists of
3 knowingly and voluntarily carrying contraband into the confines
4 of a county or municipal jail. Whoever commits bringing
5 contraband into a jail is guilty of a fourth degree felony.

6 C. As used in this section:

7 (1) "cannabis" means:

8 (a) all parts of the plant genus
9 Cannabis containing a delta-9-tetrahydrocannabinol
10 concentration of more than three-tenths percent on a dry weight
11 basis, whether growing or not;

12 (b) the seeds of the plant;

13 (c) the resin extracted from any part of
14 the plant; and

15 (d) every compound, manufacture, salt,
16 derivative, mixture or preparation of the plant, its seed or
17 its resin;

18 (2) "cannabis extract":

19 (a) means a product obtained by
20 separating resins, tetrahydrocannabinols or other substances
21 from cannabis by approved extraction methods; and

22 (b) does not include the weight of any
23 other ingredient combined with cannabis extract to prepare
24 topical or oral administrations, food, drink or another
25 product;

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1 (3) "cannabis product" means a product that is
2 or that contains cannabis or cannabis extract, including edible
3 or topical products that may also contain other ingredients;

4 (4) "contraband" means:

5 [~~(1)~~] (a) a deadly weapon, as defined in
6 Section 30-1-12 NMSA 1978, or an essential component part
7 thereof, including ammunition, explosive devices and explosive
8 materials, but does not include a weapon carried by a peace
9 officer in the lawful discharge of duties;

10 [~~(2)~~] (b) currency brought onto the
11 grounds of the institution for the purpose of transfer to a
12 prisoner, but does not include currency carried into areas
13 designated by the warden as areas for the deposit and receipt
14 of currency for credit to a prisoner's account before contact
15 is made with the prisoner;

16 [~~(3)~~] (c) an alcoholic beverage;

17 [~~(4)~~] (d) a controlled substance, as
18 defined in the Controlled Substances Act, but does not include
19 a controlled substance carried into a prison or jail through
20 regular prison or jail channels and pursuant to the direction
21 or prescription of a [~~regularly licensed physician; or~~] health
22 care provider;

23 (e) cannabis, cannabis extract or
24 cannabis products, but does not include cannabis, cannabis
25 extract or cannabis products if carried into a prison or jail

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1 through regular prison or jail channels and pursuant to the
2 direction or prescription of a health care provider; or

3 [~~(5)~~] (f) an electronic communication or
4 recording device brought onto the grounds of the institution
5 for the purpose of transfer to or use by a prisoner; and

6 [~~D. As used in this section~~] (5) "electronic
7 communication or recording device" means any type of
8 instrument, device, machine or equipment that is designed to
9 transmit or receive telephonic, electronic, digital, cellular,
10 satellite or radio signals or communications or that is
11 designed to have sound or image recording abilities or any part
12 or component of such instrument, device, machine or equipment.
13 "Electronic communication or recording device" does not include
14 a device that is or will be used by prison or jail personnel in
15 the regular course of business or that is otherwise authorized
16 by the warden.

17 [~~E.~~] D. Nothing in this section shall prohibit the
18 use of hearing aids, voice amplifiers or other equipment
19 necessary to aid prisoners who have documented hearing or
20 speech deficiencies or their visitors. Rules for such devices
21 shall be established by the warden or director of each jail,
22 detention center and prison."