

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

RELATING TO CORRECTIONS; PROVIDING THAT ELECTRONIC
COMMUNICATION DEVICES ARE CONTRABAND AND PROHIBITED IN JAILS
AND PRISONS; 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) 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 degree felony.

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

C. As used in this section, "contraband" means:

(1) a deadly weapon, as defined in Section
30-1-12 NMSA 1978, or an essential component part thereof,

1 including ammunition, explosive devices and explosive
2 materials, but does not include a weapon carried by a peace
3 officer in the lawful discharge of duties;

4 (2) currency brought onto the grounds of the
5 institution for the purpose of transfer to a prisoner, but
6 does not include currency carried into areas designated by
7 the warden as areas for the deposit and receipt of currency
8 for credit to a prisoner's account before contact is made
9 with the prisoner;

10 (3) an alcoholic beverage;

11 (4) a controlled substance, as defined in
12 the Controlled Substances Act, but does not include a
13 controlled substance carried into a prison through regular
14 prison channels and pursuant to the direction or prescription
15 of a regularly licensed physician; or

16 (5) an electronic communication or recording
17 device brought onto the grounds of the institution for the
18 purpose of transfer to or use by a prisoner.

19 D. As used in this section, "electronic
20 communication or recording device" means any type of
21 instrument, device, machine or equipment that is designed to
22 transmit or receive telephonic, electronic, digital,
23 cellular, satellite or radio signals or communications or
24 that is designed to have sound or image recording abilities
25 or any part or component of such instrument, device, machine

1 or equipment. "Electronic communication or recording device"
2 does not include a device that is or will be used by prison
3 or jail personnel in the regular course of business or that
4 is otherwise authorized by the warden.

5 E. Nothing in this section shall prohibit the use
6 of hearing aids, voice amplifiers or other equipment
7 necessary to aid prisoners who have documented hearing or
8 speech deficiencies or their visitors. Rules for such
9 devices shall be established by the warden or director of
10 each jail, detention center and prison."

11 SECTION 2. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2013. _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25