

1 SENATE BILL 314

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Daniel A. Ivey-Soto and Paul A. Pacheco

5
6
7
8
9
10 AN ACT

11 RELATING TO CORRECTIONS; PROHIBITING POSSESSION OF ELECTRONIC
12 COMMUNICATION DEVICE BY PRISONERS.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 30-22-16 NMSA 1978 (being Laws 1963,
16 Chapter 303, Section 22-15, as amended) is amended to read:

17 "30-22-16. POSSESSION OF DEADLY WEAPON, [ØR] EXPLOSIVE OR
18 ELECTRONIC COMMUNICATION DEVICE BY PRISONER.--

19 A. Possession of deadly weapon, [Ør] explosive or
20 electronic communication device by prisoner in lawful custody
21 consists of any inmate of a penal institution, reformatory,
22 jail or prison farm or ranch possessing any deadly weapon, [Ør]
23 explosive substance or electronic communication device.

24 B. Whoever commits possession of deadly weapon or
25 explosive by prisoner is guilty of a second degree felony.

.198423.3SA

underscored material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 C. Whoever commits possession of electronic
2 communication device by prisoner is guilty of a fourth degree
3 felony.

4 D. As used in this section, "electronic
5 communication device" means any type of instrument, device,
6 machine or equipment that is designed to transmit or receive
7 telephonic, electronic, digital, cellular, satellite or radio
8 signals or communications or any part or component of such
9 instrument, device, machine or equipment. "Electronic
10 communication device" does not include a device that is
11 authorized by the warden to be in the possession of the
12 prisoner."

13 SECTION 2. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2015.