

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 99

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO CORRECTIONS; PROHIBITING POSSESSION OF ELECTRONIC
COMMUNICATION OR RECORDING DEVICES BY PRISONERS; CLARIFYING THE
DESCRIPTION OF ELECTRONIC COMMUNICATION OR RECORDING DEVICE IN
SECTION 30-22-14 NMSA 1978 (BEING LAWS 1976, CHAPTER 15,
SECTION 1, AS AMENDED).

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

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1 department for the confinement of adult prisoners. Whoever
2 commits bringing contraband into a prison is guilty of a third
3 degree felony.

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

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

9 (1) a deadly weapon, as defined in Section
10 30-1-12 NMSA 1978, or an essential component part thereof,
11 including ammunition, explosive devices and explosive
12 materials, but does not include a weapon carried by a peace
13 officer in the lawful discharge of duties;

14 (2) currency brought onto the grounds of the
15 institution for the purpose of transfer to a prisoner, but does
16 not include currency carried into areas designated by the
17 warden as areas for the deposit and receipt of currency for
18 credit to a prisoner's account before contact is made with the
19 prisoner;

20 (3) an alcoholic beverage;

21 (4) a controlled substance, as defined in the
22 Controlled Substances Act, but does not include a controlled
23 substance carried into a prison through regular prison channels
24 and pursuant to the direction or prescription of a regularly
25 licensed physician; or

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

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

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

21 SECTION 2. Section 30-22-16 NMSA 1978 (being Laws 1963,
 22 Chapter 303, Section 22-15, as amended) is amended to read:

23 "30-22-16. POSSESSION OF DEADLY WEAPON OR EXPLOSIVE BY
 24 PRISONER--POSSESSION OF ELECTRONIC COMMUNICATION OR RECORDING
 25 DEVICE BY PRISONER.--

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1 A. Possession of deadly weapon or explosive by
2 prisoner in lawful custody consists of any inmate of a penal
3 institution, reformatory, jail or prison farm or ranch
4 possessing any deadly weapon or explosive substance. Whoever
5 commits possession of deadly weapon or explosive by prisoner is
6 guilty of a second degree felony.

7 B. Possession of electronic communication or
8 recording device by prisoner in lawful custody consists of any
9 inmate of a penal institution, reformatory, jail or prison farm
10 or ranch possessing any electronic communication or recording
11 device. Whoever commits possession of electronic communication
12 or recording device by prisoner is guilty of a misdemeanor.

13 C. As used in this section, "electronic
14 communication or recording device" means any type of
15 instrument, device, machine or equipment that is designed to
16 transmit or receive telephonic, electronic, digital, cellular,
17 satellite or radio signals or communications or that is
18 designed to have sound or image recording abilities or any part
19 or component of such instrument, device, machine or equipment.
20 "Electronic communication or recording device" does not include
21 a device that is or will be used by prison or jail personnel in
22 the regular course of business or that is otherwise authorized
23 by the warden.

24 D. Nothing in this section shall prohibit the use
25 of hearing aids, voice amplifiers or other medical equipment

1 necessary to aid prisoners or their visitors. Rules for such
2 devices shall be established by the warden or director of each
3 jail, detention center and prison."

4 SECTION 3. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2017.

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