

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 239

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

AN ACT

RELATING TO CORRECTIONS; INCLUDING CANNABIS IN THE DEFINITION
OF "CONTRABAND"; PROHIBITING CANNABIS IN PLACES OF IMPRISONMENT
OR DETENTION; 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

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, "contraband" means:

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

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

18 (3) an alcoholic beverage;

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

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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 equipment necessary
17 to aid prisoners who have documented hearing or speech
18 deficiencies or their visitors. Rules for such devices shall
19 be established by the warden or director of each jail,
20 detention center and prison."

21 SECTION 2. Section 30-22-14.1 NMSA 1978 (being Laws 1997,
22 Chapter 44, Section 1) is amended to read:

23 "30-22-14.1. BRINGING CONTRABAND INTO A JUVENILE
24 DETENTION FACILITY OR JUVENILE CORRECTIONAL FACILITY--
25 PENALTY.--

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1 A. Bringing contraband into a juvenile detention
2 facility or juvenile correctional facility consists of
3 carrying, transporting or depositing contraband onto the
4 grounds of [~~any~~] a facility designated by the children, youth
5 and families department for the detention or commitment of
6 children. Whoever commits bringing contraband into a juvenile
7 correctional facility is guilty of a third degree felony.
8 Whoever commits bringing contraband into a juvenile detention
9 facility is guilty of a fourth degree felony.

10 B. As used in this section, "contraband" means:

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

16 (2) currency brought onto the grounds of a
17 juvenile detention facility or juvenile correctional facility
18 and not declared upon entry to the facility for the purpose of
19 transfer to a child detained in or committed to the facility,
20 but does not include currency carried into areas designated by
21 the facility administrator as areas for the deposit and receipt
22 of currency for credit to a child's account before contact is
23 made with any child;

24 (3) [~~any~~] an alcoholic beverage brought within
25 the physical confines of the juvenile detention or juvenile

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1 correctional facility; or

2 (4) [~~any~~] a controlled substance, as defined
3 in the Controlled Substances Act, or cannabis, as defined in
4 the Cannabis Regulation Act, but does not include a controlled
5 substance or medical cannabis carried into a juvenile detention
6 facility or juvenile correctional facility through regular
7 facility channels and pursuant to the direction or prescription
8 of a [~~regularly~~] licensed physician."

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underscored material = new
[bracketed material] = delete

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