

HOUSE BILL 224

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

INTRODUCED BY

Alonzo Baldonado

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

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

.209539.1SA

underscored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight←

delete = →bold, red, highlight, strikethrough←

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

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

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

(3) an alcoholic beverage;

.209539.1SA

underscored material = new  
[bracketed material] = delete  
Amendments: new = bold, blue, highlight  
delete = bold, red, highlight, strikethrough

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

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

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

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

.209539.1SA

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

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

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

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

B. Possession of electronic communication or recording device by prisoner in lawful custody consists of any inmate of a penal institution, reformatory, jail or prison farm or ranch possessing any electronic communication or recording device. Whoever commits possession of electronic communication or recording device by prisoner is guilty of a fourth degree felony.

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

.209539.1SA

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

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

D. Nothing in this section shall prohibit the use of hearing aids, voice amplifiers or other medical HCPAC→or adaptive ←HCPAC equipment necessary to aid prisoners or their visitors. Rules for such devices shall be established by the warden or director of each jail, detention center and prison."

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2018.