

1 HOUSE BILL 224

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

4 Alonzo Baldonado

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10 AN ACT

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

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17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. Section 30-22-14 NMSA 1978 (being Laws 1976,  
19 Chapter 15, Section 1, as amended) is amended to read:

20 "30-22-14. BRINGING CONTRABAND INTO PLACES OF  
21 IMPRISONMENT--PENALTIES--DEFINITIONS.--

22 A. Bringing contraband into a prison consists of  
23 knowingly and voluntarily carrying, transporting or depositing  
24 contraband onto the grounds of the penitentiary of New Mexico  
25 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

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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 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 fourth degree  
13 felony.

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

25           D. Nothing in this section shall prohibit the use

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1 of hearing aids, voice amplifiers or other medical equipment  
2 necessary to aid prisoners or their visitors. Rules for such  
3 devices shall be established by the warden or director of each  
4 jail, detention center and prison."

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

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