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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 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,

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

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

10 (3) an alcoholic beverage;

11 (4) a controlled substance, as defined in
12 the Controlled Substances Act, or cannabis, as defined in the
13 Cannabis Regulation Act, but does not include a controlled
14 substance or medical cannabis carried into a prison or jail
15 through regular prison or jail channels and pursuant to the
16 direction or prescription of a licensed physician; or

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

20 D. As used in this section, "electronic
21 communication or recording device" means any type of
22 instrument, device, machine or equipment that is designed to
23 transmit or receive telephonic, electronic, digital,
24 cellular, satellite or radio signals or communications or
25 that is designed to have sound or image recording abilities

1 or any part or component of such instrument, device, machine
2 or equipment. "Electronic communication or recording device"
3 does not include a device that is or will be used by prison
4 or jail personnel in the regular course of business or that
5 is otherwise authorized by the warden.

6 E. Nothing in this section shall prohibit the use
7 of hearing aids, voice amplifiers or other equipment
8 necessary to aid prisoners who have documented hearing or
9 speech deficiencies or their visitors. Rules for such
10 devices shall be established by the warden or director of
11 each jail, detention center and prison."

12 SECTION 2. Section 30-22-14.1 NMSA 1978 (being Laws
13 1997, Chapter 44, Section 1) is amended to read:

14 "30-22-14.1. BRINGING CONTRABAND INTO A JUVENILE
15 DETENTION FACILITY OR JUVENILE CORRECTIONAL FACILITY--
16 PENALTY.--

17 A. Bringing contraband into a juvenile detention
18 facility or juvenile correctional facility consists of
19 carrying, transporting or depositing contraband onto the
20 grounds of a facility designated by the children, youth and
21 families department for the detention or commitment of
22 children. Whoever commits bringing contraband into a
23 juvenile correctional facility is guilty of a third degree
24 felony. Whoever commits bringing contraband into a juvenile
25 detention facility is guilty of a fourth degree felony.

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

2 (1) a deadly weapon, as defined in Section
3 30-1-12 NMSA 1978, or an essential component part thereof,
4 including ammunition, explosive devices and explosive
5 materials, but does not include a weapon carried by a peace
6 officer in the lawful discharge of the officer's duties;

7 (2) currency brought onto the grounds of a
8 juvenile detention facility or juvenile correctional facility
9 and not declared upon entry to the facility for the purpose
10 of transfer to a child detained in or committed to the
11 facility, but does not include currency carried into areas
12 designated by the facility administrator as areas for the
13 deposit and receipt of currency for credit to a child's
14 account before contact is made with any child;

15 (3) an alcoholic beverage brought within the
16 physical confines of the juvenile detention or juvenile
17 correctional facility; or

18 (4) a controlled substance, as defined in
19 the Controlled Substances Act, or cannabis, as defined in the
20 Cannabis Regulation Act, but does not include a controlled
21 substance or medical cannabis carried into a juvenile
22 detention facility or juvenile correctional facility through
23 regular facility channels and pursuant to the direction or
24 prescription of a licensed physician." _____