

1 SENATE BILL 40

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Sander Rue

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10 AN ACT

11 RELATING TO CORRECTIONS; PROVIDING THAT ELECTRONIC  
12 COMMUNICATION DEVICES ARE CONTRABAND AND PROHIBITED IN JAILS  
13 AND PRISONS; PROVIDING EXCEPTIONS.

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

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

18 "30-22-14. BRINGING CONTRABAND INTO PLACES OF  
19 IMPRISONMENT--PENALTIES--DEFINITIONS.--

20 A. Bringing contraband into a prison consists of  
21 carrying, transporting or depositing contraband onto the  
22 grounds of the penitentiary of New Mexico or any other  
23 institution designated by the corrections [~~commission~~]  
24 department for the confinement of adult prisoners. Whoever  
25 commits bringing contraband into a prison is guilty of a third

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1 degree felony.

2 B. Bringing contraband into a jail consists of  
3 carrying contraband into the confines of a county or municipal  
4 jail. Whoever commits bringing contraband into a jail is  
5 guilty of a fourth degree felony.

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

7 (1) [~~any~~] a deadly weapon, as defined in  
8 Section [~~40A-1-13 NMSA 1953~~] 30-1-12 NMSA 1978, or an essential  
9 component part thereof, including ammunition, explosive devices  
10 and explosive materials, but does not include a weapon carried  
11 by a peace officer in the lawful discharge of [~~his~~] 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  
17 [~~any~~] the prisoner;

18 (3) [~~any~~] an alcoholic beverage; [~~or~~]

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

24 (5) an electronic communication or recording  
25 device.

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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."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2013.