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SENATE BILL 99

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Sander Rue

AN ACT

RELATING TO CORRECTIONS; PROHIBITING POSSESSION OF ELECTRONIC
COMMUNICATION OR RECORDING DEVICES BY PRISONERS.

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

SECTION 1. 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.

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

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

19 **SECTION 2. EFFECTIVE DATE.--**The effective date of the
20 provisions of this act is July 1, 2017.