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SENATE BILL 166

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

INTRODUCED BY

Bill B. O'Neill

AN ACT

RELATING TO PUBLIC SAFETY; REGULATING THE OPERATION OF UNMANNED
AIRCRAFT AROUND PRISONS; PROVIDING PENALTIES.

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

SECTION 1. [NEW MATERIAL] UNLAWFUL OPERATION OF UNMANNED
AIRCRAFT NEAR PRISONS--DEFINITIONS--PROVIDING PENALTIES.--

A. It is unlawful to operate, direct or program a
drone to fly within either a horizontal distance of five
hundred feet, or a vertical distance of two hundred fifty feet
of the penitentiary of New Mexico or any other institution
designated by the corrections department for the confinement of
inmates; provided that this does not apply to:

- (1) a drone used for law enforcement;
- (2) a drone used for emergency purposes by a
first responder; or

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1 (3) a drone used with the written permission
2 of the warden of the facility.

3 B. Upon a first conviction pursuant to this
4 section, an offender is guilty of a petty misdemeanor.

5 C. Upon a second or subsequent conviction pursuant
6 to this section, an offender is guilty of a misdemeanor.

7 D. As used in this section:

8 (1) "drone" means an unmanned, powered, aerial
9 vehicle that:

10 (a) does not carry a human operator;

11 (b) uses aerodynamic forces to provide
12 vehicle lift;

13 (c) can fly autonomously or be piloted
14 remotely; and

15 (d) can be expendable or recoverable;

16 and

17 (2) "first responder" means a police officer,
18 peace officer, firefighter, paramedic or search and rescue
19 person.

20 SECTION 2. Section 30-22-14 NMSA 1978 (being Laws 1976,
21 Chapter 15, Section 1, as amended) is amended to read:

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

24 A. Bringing contraband into a prison, including by
25 use of a drone, consists of knowingly and voluntarily carrying,

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1 transporting or depositing contraband onto the grounds of the
2 penitentiary of New Mexico or any other institution designated
3 by the corrections department for the confinement of adult
4 prisoners. Whoever commits bringing contraband into a prison
5 is guilty of a third degree felony.

6 B. Bringing contraband into a jail consists of
7 knowingly and voluntarily carrying contraband into the confines
8 of a county or municipal jail. Whoever commits bringing
9 contraband into a jail is guilty of a fourth degree felony.

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

11 (1) a deadly weapon, as defined in Section
12 30-1-12 NMSA 1978, or an essential component part thereof,
13 including ammunition, explosive devices and explosive
14 materials, but does not include a weapon carried by a peace
15 officer in the lawful discharge of duties;

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

22 (3) an alcoholic beverage;

23 (4) a controlled substance, as defined in the
24 Controlled Substances Act, but does not include a controlled
25 substance carried into a prison through regular prison channels

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1 and pursuant to the direction or prescription of a regularly
2 licensed physician; or

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

6 D. As used in this section:

7 (1) "drone" means an unmanned, powered, aerial
8 vehicle that:

9 (a) does not carry a human operator;

10 (b) uses aerodynamic forces to provide
11 vehicle lift;

12 (c) can fly autonomously or be piloted
13 remotely; and

14 (d) can be expendable or recoverable;

15 and

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

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the warden.

E. Nothing in this section shall prohibit the use of hearing aids, voice amplifiers or other 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."

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

