

HOUSE BILL 429

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

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AN ACT

RELATING TO CORRECTIONS; INCLUDING CANNABIS IN THE DEFINITION OF "CONTRABAND"; PROHIBITING CANNABIS IN PLACES OF IMPRISONMENT; 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

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1 degree felony.

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

6 C. As used in this section:

7 (1) "cannabis" means:

8 (a) all parts of the plant genus  
9 Cannabis containing a delta-9-tetrahydrocannabinol  
10 concentration of more than three-tenths percent on a dry weight  
11 basis, whether growing or not;

12 (b) the seeds of the plant;

13 (c) the resin extracted from any part of  
14 the plant; and

15 (d) every compound, manufacture, salt,  
16 derivative, mixture or preparation of the plant, its seed or  
17 its resin;

18 (2) "cannabis extract":

19 (a) means a product obtained by  
20 separating resins, tetrahydrocannabinols or other substances  
21 from cannabis by approved extraction methods; and

22 (b) does not include the weight of any  
23 other ingredient combined with cannabis extract to prepare  
24 topical or oral administrations, food, drink or another  
25 product;

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1                   (3) "cannabis product" means a product that is  
2 or that contains cannabis or cannabis extract, including edible  
3 or topical products that may also contain other ingredients;

4                   (4) "contraband" means:

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

10                   [~~(2)~~] (b) currency brought onto the  
11 grounds of the institution for the purpose of transfer to a  
12 prisoner, but does not include currency carried into areas  
13 designated by the warden as areas for the deposit and receipt  
14 of currency for credit to a prisoner's account before contact  
15 is made with the prisoner;

16                   [~~(3)~~] (c) an alcoholic beverage;

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

23                   (e) cannabis, cannabis extract or  
24 cannabis products, but does not include cannabis, cannabis  
25 extract or cannabis products if carried into a prison or jail

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1 through regular prison or jail channels and pursuant to the  
2 direction or prescription of a health care provider; or

3 [~~(5)~~] (f) an electronic communication or  
4 recording device brought onto the grounds of the institution  
5 for the purpose of transfer to or use by a prisoner; and

6 [~~D. As used in this section~~] (5) "electronic  
7 communication or recording device" means any type of  
8 instrument, device, machine or equipment that is designed to  
9 transmit or receive telephonic, electronic, digital, cellular,  
10 satellite or radio signals or communications or that is  
11 designed to have sound or image recording abilities or any part  
12 or component of such instrument, device, machine or equipment.  
13 "Electronic communication or recording device" does not include  
14 a device that is or will be used by prison or jail personnel in  
15 the regular course of business or that is otherwise authorized  
16 by the warden.

17 [~~E.~~] D. Nothing in this section shall prohibit the  
18 use of hearing aids, voice amplifiers or other equipment  
19 necessary to aid prisoners who have documented hearing or  
20 speech deficiencies or their visitors. Rules for such devices  
21 shall be established by the warden or director of each jail,  
22 detention center and prison."

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