

ACT No. 302

2023 Regular Session

HOUSE BILL NO. 237

BY REPRESENTATIVES SCHAMERHORN AND FIRMENT

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AN ACT

To amend and reenact R.S. 14:402(A), (B), (C), (D)(1) through (5) and (7) through (10), (F), and (G)(1) and (2) and R.S. 15:1352(A)(66), to enact R.S. 14:402(D)(11), (12), (13), and (14) and (H), and to repeal R.S. 14:402(E), relative to contraband; to provide relative to contraband in correctional facilities; to provide relative to introducing contraband into or upon the grounds of any correctional facility; to provide for a definition of correctional facility; to classify certain items as contraband; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:402(A), (B), (C), (D)(1) through (5) and (7) through (10), (F), and (G)(1) and (2) are hereby amended and reenacted and R.S. 14:402(D)(11), (12), (13), and (14) and (H) are hereby enacted to read as follows:

§402. Contraband defined; certain activities regarding contraband in ~~penal institutions~~ correctional facilities prohibited; penalty; disposition of seized contraband

A. No person shall introduce or attempt to introduce contraband into or upon the grounds of any ~~state~~ correctional ~~institution~~ facility.

B. No person shall possess contraband upon the grounds of any ~~state~~ correctional ~~institution~~ facility.

1 C. No person shall send, or give or attempt to give, contraband to an inmate
2 of ~~contraband from~~ any state correctional institution facility.

3 D. "Contraband" as used herein means:

4 (1) Any controlled dangerous substance as defined in R.S. 40:961 et seq., or
5 any other drug or substance that if taken internally, whether separately or in
6 combination with another drug or substance, produces or may produce a hypnotic
7 effect, including nasal inhalators of any variety, sleeping pills, or barbiturates of any
8 variety. The introduction or attempt of introduction by a person of any controlled
9 dangerous substance as defined in R.S. 40:961 et seq., upon the grounds of any ~~state~~
10 ~~correctional institution~~ facility shall constitute distribution of that controlled
11 dangerous substance and shall be subject to the penalties provided in R.S. 40:961 et
12 seq. The provisions of this Paragraph shall not apply to a drug or substance that has
13 been prescribed by a physician, if the drug or substance is in a container issued by
14 the pharmacy or other place of dispensation, the container identifies the prescription
15 number, prescribing physician, and issuing pharmacist or other person, and the
16 container is not concealed upon the body of the person.

17 (2) A dangerous weapon, or other instrumentality customarily used or
18 intended for probable use as a dangerous weapon or to aid in an escape, unless
19 authorized by the warden of the ~~institution~~ facility or his designee.

20 (3) Explosives or combustibles, unless authorized by the warden of the
21 ~~institution~~ facility or his designee.

22 (4) Plans for the making or manufacturing of a dangerous weapon or other
23 instrumentality customarily used or intended for probable use as a dangerous weapon
24 or to aid in an escape, or for the making or manufacturing of explosives or
25 combustibles, or for an escape from ~~an institution~~ a facility, unless authorized by the
26 warden of the ~~institution~~ facility or his designee.

27 (5) An alcoholic beverage or other beverage which produces or may produce
28 an intoxicating effect, unless authorized by the warden of the ~~institution~~ facility or
29 his designee for employee residential housing areas. However, employee residential
30 housing areas shall not include bachelor officer quarters located within the secure

1 perimeter of the ~~institution~~ facility. A reasonably small amount of sacramental wine
2 ~~shall~~ may be permitted by the warden or his designee to be brought onto the grounds
3 of a ~~state~~ correctional ~~institution~~ facility for use by a clergy member only, as part of
4 a religious service.

5 * * *

6 (7) Any currency or coin, unless authorized by the warden of the ~~institution~~
7 facility or his designee.

8 (8) Any article of food, toiletries, or clothing, unless authorized by the
9 warden of the ~~institution~~ facility or his designee.

10 (9) Any telecommunications equipment or component hardware, including
11 but not limited to cellular phones, pagers, beepers, global satellite system equipment,
12 subscriber identity module (SIM) cards, portable memory chips, batteries, and
13 chargers, whether or not such equipment may be intended for use in planning or
14 aiding an escape or attempt to escape from any ~~institution~~ facility, unless authorized
15 by the warden of the ~~institution~~ facility or his designee.

16 (10) Any sketch, painting, drawing or other pictorial rendering produced in
17 whole or in part by a capital offender, unless authorized by the warden of the
18 ~~institution~~ facility or his designee.

19 (11) Any tobacco product as defined in R.S. 14:91.6, unless authorized by
20 the warden of the facility or his designee.

21 (12) Any equipment, whether professionally made or homemade, intended
22 for use in tattooing.

23 (13) Any electronic device including but not limited to computers, telephoto
24 equipment, communications equipment, whether modified or not.

25 (14) Any hypodermic syringe, needle, or other object used or intended for
26 use, or designed for use in injecting controlled dangerous substances into the human
27 body.

28 * * *

29 F. Any contraband which is seized may be destroyed, donated to a charitable
30 organization, or put to lawful use within the ~~institution~~ facility, unless it is needed

1 as evidence in a criminal prosecution. However, any money seized which is legal
2 tender shall be placed in a fund at the ~~institution~~ facility at which the money was
3 seized to be used solely for the purchase of contraband detection and escape chase
4 team equipment. A record of the disposition of all contraband shall be maintained.

5 G.(1) Whoever violates any provision of this Section shall be fined not less
6 than five hundred dollars and not more than ten thousand dollars and shall be
7 imprisoned with or without hard labor for not more than ten years. Notwithstanding
8 any other law to the contrary, whoever introduces or attempts to introduce
9 contraband as defined in Paragraph (D)(1) of this Section, upon the grounds of any
10 ~~state correctional institution, or Paragraph (E)(5) of this Section, upon the grounds~~
11 ~~of any municipal or parish prison or jail,~~ facility shall be punished in accordance
12 with the penalties for the distribution of the controlled dangerous substance provided
13 in R.S. 40:961 et seq.

14 (2) If the person who violates any provision of this Section is incarcerated
15 in the ~~state correctional institution or the municipal or parish prison or jail~~ facility
16 in which the contraband is introduced, possessed, or sent from, the sentence imposed
17 pursuant to Paragraph (1) of this Subsection shall be served consecutively to the
18 sentence the person was serving at the time the violation of this Section occurred.

19 * * *

20 H. For purposes of this Section, "correctional facility" means any jail, prison,
21 penitentiary, juvenile institution, temporary holding center, or detention facility.

22 Section 2. R.S. 15:1352(A)(66) is hereby amended and reenacted to read as follows:
23 §1352. Definitions

24 A. As used in this Chapter, "racketeering activity" means committing,
25 attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating
26 another person to commit any crime that is punishable under the following
27 provisions of Title 14 of the Louisiana Revised Statutes of 1950, the Uniform
28 Controlled Dangerous Substances Law, or the Louisiana Securities Law:

29 * * *

1 (66) R.S. 14:402 (Certain activities regarding contraband in ~~penal institutions~~
2 correctional facilities prohibited)

3 * * *

4 Section 3. R.S. 14:402(E) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____