

Sixty-first  
Legislative Assembly  
of North Dakota

Introduced by

(At the request of the Department of Corrections and Rehabilitation)

1 A BILL for an Act to create and enact a new subsection to section 12-47-21 of the North Dakota  
2 Century Code, relating to wireless electronic devices on or within premises under the control of  
3 the department of corrections and rehabilitation; to create and enact a new subsection to  
4 section 12-47-36 of the North Dakota Century Code, relating to records of offenders; to amend  
5 and reenact subsection 7 of section 12-47-21 of the North Dakota Century Code, relating to the  
6 definition of contraband; to repeal section 12-47-38 of the North Dakota Century Code, relating  
7 to contracting with county jails to house female prisoners; to provide a penalty; and to declare  
8 an emergency.

9 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

10 **SECTION 1.** A new subsection to section 12-47-21 of the North Dakota Century Code  
11 is created and enacted as follows:

- 12 a. It is unlawful for a penitentiary inmate to willfully manufacture, possess, or use  
13 a wireless electronic communication device on or within any premises under  
14 the control of the department of corrections and rehabilitation or any of its  
15 divisions.
- 16 b. It is unlawful for any person to willfully deliver, or possess with intent to  
17 deliver, a wireless electronic communication device to a penitentiary inmate or  
18 to any person for redelivery to a penitentiary inmate, or to allow a penitentiary  
19 inmate to possess or use a wireless electronic communication device, on or  
20 within any premises under the control of the department of corrections and  
21 rehabilitation or any of its divisions.
- 22 c. A violation of this subsection is a class C felony.

23 **SECTION 2. AMENDMENT.** Subsection 7 of section 12-47-21 of the North Dakota  
24 Century Code is amended and reenacted as follows:

1           7. As used in this section, "controlled substance" is as defined in subsection 6 of  
2 section 19-03.1-01 and includes counterfeit substances as defined in subsection 7  
3 of section 19-03.1-01. As used in this section, "willfully" is as defined in section  
4 12.1-02-02. As used in this section, "alcohol" and "alcoholic beverage" are as  
5 defined in section 5-01-01. As used in this section, "tobacco" means any form of  
6 tobacco, including cigarettes, cigars, snuff, or tobacco in any form in which it may  
7 be used for smoking or chewing. As used in this section, a wireless electronic  
8 communication device includes a cellular telephone, personal digital assistant,  
9 pager, mobile broadband card, internet router, digital camera, two-way radio,  
10 modem, or any other electronic device capable of wireless transmission, reception,  
11 interception, or storage of oral communications, and also includes a battery or  
12 component of a wireless electronic device, regardless whether the component itself  
13 is able to transmit, store, or receive oral communications, text, e-mail, video or  
14 photographic images, data signals, or radio communications.

15           **SECTION 3.** A new subsection to section 12-47-36 of the North Dakota Century Code  
16 is created and enacted as follows:

17           The medical, psychological, and treatment records of the department relating to  
18 persons in the custody or under the supervision and management of the division of  
19 adult services of the department of corrections and rehabilitation may be disclosed  
20 for the purpose of conducting research and educational activities. A person  
21 conducting research or education activities may not redisclose identifying  
22 information received under this subsection.

23           **SECTION 4. REPEAL.** Section 12-47-38 of the North Dakota Century Code is  
24 repealed.

25           **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.