

**SENATE BILL NO. 2114
with House Amendments**

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2114

Introduced by

Judiciary Committee

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

1 A BILL for an Act to create and enact subsection 8 to section 12-44.1-21 of the North Dakota
2 Century Code, relating to wireless electronic devices on or within correctional facilities; to
3 amend and reenact subsection 7 of section 12-44.1-21 of the North Dakota Century Code,
4 relating to the definition of contraband; to provide a penalty; and to declare an emergency.

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

6 **SECTION 1.** Subsection 8 to section 12-44.1-21 of the North Dakota Century Code is
7 created and enacted as follows:

- 8 8. a. It is unlawful for an inmate in a correctional facility to willfully manufacture,
9 possess, or use a wireless electronic communication device in a correctional
10 facility except for law enforcement purposes.
11 b. It is unlawful for any person to willfully deliver, or possess with intent to
12 deliver, a wireless electronic communication device to an inmate in a
13 correctional facility or to any person for redelivery to an inmate in a
14 correctional facility, or to allow an inmate to possess or use a wireless
15 electronic communication device in a correctional facility except for law
16 enforcement purposes.
17 c. A violation of this subsection is a class C felony.

18 **SECTION 2. AMENDMENT.** Subsection 7 of section 12-44.1-21 of the North Dakota
19 Century Code is amended and reenacted as follows:

- 20 7. As used in this section, "controlled substance" is as defined in subsection 6 of
21 section 19-03.1-01 and includes counterfeit substances as defined in subsection 7
22 of section 19-03.1-01. As used in this section, "willfully" is as defined in section
23 12.1-02-02. As used in this section, "alcohol" and "alcoholic beverage" are as
24 defined in section 5-01-01. As used in this section, "tobacco" means any form of

1 tobacco, including cigarettes, cigars, snuff, or tobacco in any form in which it may
2 be used for smoking or chewing. As used in this section, a wireless electronic
3 communication device includes a cellular telephone, personal digital assistant,
4 pager, mobile broadband card, internet router, digital camera, two-way radio,
5 modem, or any other electronic device capable of wireless transmission, reception,
6 interception, or storage of oral communications, text, e-mail, video or photograph
7 images, data signals, or radio communications, and also includes a component of
8 a wireless electronic device, regardless whether the component itself is able to
9 transmit, store, or receive oral communications, text, e-mail, video or photograph
10 images, data signals, or radio communications. A wireless electronic
11 communications device does not include a medically prescribed device or any
12 other device approved by the department.

13 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.