

2023 Regular Session

HOUSE BILL NO. 237

BY REPRESENTATIVES SCHAMERHORN AND FIRMENT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CORRECTIONAL FACILITIES: Provides relative to certain activities regarding contraband

1 AN ACT

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

9 Be it enacted by the Legislature of Louisiana:

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

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

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

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

1 C. No person shall take or send, or give or attempt to give, contraband to an
2 inmate 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

1 housing areas shall not include bachelor officer quarters located within the secure
2 perimeter of the institution. A reasonably small amount of sacramental wine shall
3 be permitted to be brought onto the grounds of a ~~state correctional institution~~ facility
4 for use by a clergy member only, as part of 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, that is intended for
25 use in the planning or aiding in an escape or attempt to escape from any facility.

26 * * *

27 F. Any contraband which is seized may be destroyed, donated to a charitable
28 organization, or put to lawful use within the ~~institution~~ facility, unless it is needed
29 as evidence in a criminal prosecution. However, any money seized which is legal

1 tender shall be placed in a fund at the ~~institution~~ facility at which the money was
2 seized to be used solely for the purchase of contraband detection and escape chase
3 team equipment. A record of the disposition of all contraband shall be maintained.

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

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

18 * * *

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

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

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

28 * * *

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.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 237 Original

2023 Regular Session

Schamerhorn

Abstract: Provides relative to certain activities regarding contraband in correctional facilities.

Present law (R.S. 14:402) prohibits persons from introducing, possessing, or sending contraband into or from any state correctional institution or municipal or parish jail and provides for criminal penalties.

Proposed law amends present law to also prohibit persons from attempting to introduce, taking, giving, or attempting to give contraband to an inmate of any correctional facility rather than a correctional institute.

Proposed law defines "correctional facility" as any jail, prison, penitentiary, juvenile institution, temporary holding center, or detention facility.

Proposed law retains and restructures present law with regard to contraband in or upon the premises of municipal or parish prisons or jails.

Proposed law adds that the present law term of "contraband" includes any tobacco product as defined by present law.

Present law (R.S. 15:1352) provides for the definition of "racketeering activity" and provides for certain criminal offenses.

Proposed law changes the crime of contraband in penal institutions to contraband in correctional facilities.

(Amends R.S. 14:402(A), (B), (C), (D)(1)-(5) and (7)-(10), (F), and (G)(1) and (2) and R.S. 15:1352(A)(66); Adds R.S. 14:402(D)(11), (12), and (13) and (H); Repeals R.S. 14:402(E))