

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 8
Committee Substitute Favorable 2/25/09

Short Title: Prohibit Cell Phones in Prison.

(Public)

Sponsors:

Referred to:

February 2, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE IT A FELONY TO PROVIDE CELL PHONES TO INMATES IN THE
3 CUSTODY OF THE DEPARTMENT OF CORRECTION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 14-258.1 reads as rewritten:

6 "**§ 14-258.1. Furnishing poison, controlled substances, deadly weapons, cartridges,**
7 **ammunition or alcoholic beverages to inmates of charitable, mental or penal**
8 **institutions or local confinement facilities. facilities; furnishing mobile phones**
9 **to inmates.**

10 (a) ~~If any person~~ Any person who shall give or sell to any inmate of any charitable,
11 mental or penal institution, or local confinement facility, or ~~if any person~~ any person who shall
12 combine, confederate, conspire, aid, abet, solicit, urge, investigate, counsel, advise, encourage,
13 attempt to procure, or procure another or others to give or sell to any inmate of any charitable,
14 mental or penal institution, or local confinement facility, any deadly weapon, or any cartridge
15 or ammunition for firearms of any kind, or any controlled substances included in Schedules I
16 through VI contained in Article 5 of Chapter 90 of the General Statutes except under the
17 general supervision of a practitioner, poison or poisonous substance, except upon the
18 prescription of a physician, ~~he shall be punished as a Class H felon; and if he be felon. If the~~
19 person is an officer or employee of any institution of the State, or of any local confinement
20 facility, he the person shall be dismissed from his position or office.

21 (b) Any person who shall knowingly give or sell any alcoholic beverages to any inmate
22 of any State mental or penal institution, or to any inmate of any local confinement facility,
23 except for medical purposes as prescribed by a duly licensed physician and except for an
24 ordained minister or rabbi who gives sacramental wine to an inmate as part of a religious
25 service; or any person who shall combine, confederate, conspire, procure, or procure another or
26 others to give or sell any alcoholic beverages to any inmate of any such State institution or
27 local confinement facility, except for medical purposes as prescribed by a duly licensed
28 physician and except for an ordained minister or rabbi who gives sacramental wine to an
29 inmate as part of a religious service; or any person who shall bring into the buildings, grounds
30 or other facilities of such institution any alcoholic beverages, except for medical purposes as
31 prescribed by a duly licensed physician or sacramental wine brought by an ordained minister or
32 rabbi for use as part of a religious service, shall be guilty of a Class 1 misdemeanor. If such
33 person is an officer or employee of any institution of the State, such person shall be dismissed
34 from office.

35 (c) Any person who knowingly gives or sells a mobile telephone as defined in
36 G.S. 20-137.3(a)(2), or a component of a mobile telephone, to an inmate in the custody of the
37 Department of Correction, or any person who knowingly gives or sells a mobile telephone or



1 component to a person who is not an inmate for delivery to an inmate, is guilty of a Class I
2 felony."

3 **SECTION 2.** This act becomes effective December 1, 2009, and applies to acts
4 committed on or after that date.