

SECOND REGULAR SESSION

SENATE BILL NO. 921

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CASKEY.

Pre-filed December 5, 2003, and ordered printed.

TERRY L. SPIELER, Secretary.

3309S.01I

AN ACT

To repeal section 217.375, RSMo, and to enact in lieu thereof one new section relating to administrative segregation of offenders.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 217.375, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 217.375, to read as follows:

217.375. 1. When an offender is an immediate security risk, or an offender is violent, struggling and creating sufficient disturbance to indicate he is not in control of himself, or an offender is physically violent, or an offender is in urgent need to be separated from others for his own safety or that of others, or for the security and good order of the correctional facility, the chief administrative officer of the correctional facility or his designee may immediately place the offender in an administrative segregation unit which shall be situated so that the segregation of such offender from the other offenders of the correctional facility is complete. A review hearing shall be held concerning the incident within five working days.

2. A review hearing shall be held for each offender detained in administrative segregation thirty days after the initial period of confinement and every ninety days thereafter. The chief administrative officer of the facility shall keep records of the names of all those offenders confined to administrative segregation, the reason for such confinement, the length of time confined in administrative segregation and any other information required by his division director.

3. Offenders held in administrative segregation shall have access to medical personnel.

4. A review hearing pursuant to this section is not a contested case pursuant to the provisions of chapter 536, RSMo. These review hearings are not subject to the rules of evidence. The department may promulgate rules for review hearings pursuant to subsection 2 of section 217.040. The conduct of and order from a review hearing are final and unappealable.

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