

SECOND REGULAR SESSION

SENATE BILL NO. 689

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4167S.01I

AN ACT

To repeal section 217.360 and section 221.111 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, RSMo, and to enact in lieu thereof two new sections relating to a prohibition on certain telecommunications items being possessed in correctional facilities, with penalty provisions.

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

Section A. Section 217.360 and section 221.111 as enacted by senate bill
2 no. 491, ninety-seventh general assembly, second regular session, RSMo, are
3 repealed and two new sections enacted in lieu thereof, to be known as sections
4 217.360 and 221.111, to read as follows:

217.360. 1. It shall be an offense for any person to knowingly deliver,
2 attempt to deliver, have in his possession, deposit or conceal in or about the
3 premises of any correctional center, or city or county jail, or private prison or jail:

4 (1) Any controlled substance as that term is defined by law, except upon
5 the written prescription of a licensed physician, dentist, or veterinarian;

6 (2) Any other alkaloid of any controlled substance, any spirituous or malt
7 liquor, or any intoxicating liquor as defined in section 311.020;

8 (3) Any article or item of personal property which an offender is
9 prohibited by law or by rule and regulation of the division from receiving or
10 possessing;

11 (4) Any gun, knife, weapon, or other article or item of personal property
12 that may be used in such manner as to endanger the safety or security of the
13 correctional center, or city or county jail, or private prison or jail or as to
14 endanger the life or limb of any offender or employee of such a center;

15 (5) Any two-way telecommunications device or its component

16 **parts.**

17 2. The violation of subdivision (1) of subsection 1 of this section shall be
18 a class C felony; the violation of subdivision (2) **or (5)** of subsection 1 of this
19 section shall be a class D felony; the violation of subdivision (3) of subsection 1
20 of this section shall be a class A misdemeanor; and the violation of subdivision
21 (4) of subsection 1 of this section shall be a class B felony.

22 3. Any person who has been found guilty of or has pled guilty to a
23 violation of subdivision (2) of subsection 1 of this section involving any alkaloid
24 shall be entitled to expungement of the record of the violation. The procedure to
25 expunge the record shall be pursuant to section 610.123. The record of any person
26 shall not be expunged if such person has been found guilty of or has pled guilty
27 to knowingly delivering, attempting to deliver, having in his possession, or
28 depositing or concealing any alkaloid of any controlled substance in or about the
29 premises of any correctional center, or city or county jail, or private prison or jail.

30 **4. Subdivision (5) of subsection 1 of this section shall not apply**
31 **to:**

32 **(1) Any law enforcement officer employed by a state, federal**
33 **agency, or political subdivision lawfully engaged in his or her duties as**
34 **a law enforcement officer; or**

35 **(2) Any other person who is authorized by the correctional**
36 **center, city or county jail, or private prison or jail to possess or use a**
37 **two-way telecommunications device in the correctional center, city or**
38 **county jail, or private prison or jail.**

221.111. 1. A person commits the offense of possession of unlawful items
2 in a prison or jail if such person knowingly delivers, attempts to deliver,
3 possesses, deposits, or conceals in or about the premises of any correctional center
4 as the term "correctional center" is defined under section 217.010, or any city,
5 county, or private jail:

6 (1) Any controlled substance as that term is defined by law, except upon
7 the written prescription of a licensed physician, dentist, or veterinarian;

8 (2) Any other alkaloid of any kind or any intoxicating liquor as the term
9 intoxicating liquor is defined in section 311.020;

10 (3) Any article or item of personal property which a prisoner is prohibited
11 by law, by rule made pursuant to section 221.060, or by regulation of the
12 department of corrections from receiving or possessing, except as herein provided;

13 (4) Any gun, knife, weapon, or other article or item of personal property

14 that may be used in such manner as to endanger the safety or security of the
15 institution or as to endanger the life or limb of any prisoner or employee thereof;
16 **(5) Any two-way telecommunications device or its component**
17 **parts.**

18 2. The violation of subdivision (1) of subsection 1 of this section shall be
19 a class D felony; the violation of subdivision (2) **or (5) of subsection 1** of this
20 section shall be a class E felony; the violation of subdivision (3) **of subsection**
21 **1** of this section shall be a class A misdemeanor; and the violation of subdivision
22 **(4) of subsection 1** of this section shall be a class B felony.

23 3. The chief operating officer of a county or city jail or other correctional
24 facility or the administrator of a private jail may deny visitation privileges to or
25 refer to the county prosecuting attorney for prosecution any person who
26 knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or
27 about the premises of such jail or facility any personal item which is prohibited
28 by rule or regulation of such jail or facility. Such rules or regulations, including
29 a list of personal items allowed in the jail or facility, shall be prominently posted
30 for viewing both inside and outside such jail or facility in an area accessible to
31 any visitor, and shall be made available to any person requesting such rule or
32 regulation. Violation of this subsection shall be an infraction if not covered by
33 other statutes.

34 4. Any person who has been found guilty of a violation of subdivision (2)
35 of subsection 1 of this section involving any alkaloid shall be entitled to
36 expungement of the record of the violation. The procedure to expunge the record
37 shall be pursuant to section 610.123. The record of any person shall not be
38 expunged if such person has been found guilty of knowingly delivering,
39 attempting to deliver, possessing, depositing, or concealing any alkaloid of any
40 controlled substance in or about the premises of any correctional center, or city
41 or county jail, or private prison or jail.

42 **5. Subdivision (5) of subsection 1 of this section shall not apply**
43 **to:**

44 **(1) Any law enforcement officer employed by a state, federal**
45 **agency, or political subdivision lawfully engaged in his or her duties as**
46 **a law enforcement officer; or**

47 **(2) Any other person who is authorized by the correctional**
48 **center, or city, county, or private jail to possess or use a two-way**
49 **telecommunications device in the correctional center, or city, county,**

50 or private jail.

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Bill

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