

SECOND REGULAR SESSION

SENATE BILL NO. 1068

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HENDERSON.

5604S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 221.111, RSMo, and to enact in lieu thereof one new section relating to the offense of possession of unlawful items in a prison, with penalty provisions.

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

Section A. Section 221.111, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 221.111,
3 to read as follows:

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

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

11 (2) Any other alkaloid of any kind or any intoxicating
12 liquor as the term intoxicating liquor is defined in section
13 311.020;

14 (3) Any article or item of personal property which a
15 prisoner is prohibited by law, by rule made pursuant to
16 section 221.060, or by regulation of the department of

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 corrections from receiving or possessing, except as herein
18 provided;

19 (4) Any gun, knife, weapon, or other article or item
20 of personal property that may be used in such manner as to
21 endanger the safety or security of the institution or as to
22 endanger the life or limb of any prisoner or employee
23 thereof;

24 (5) Any unauthorized portable electronic communication
25 device that is used to initiate, receive, store, or view
26 communication, information, images, or data electronically.
27 Such electronic communication devices shall include but not
28 be limited to: cellular telephones; portable telephones;
29 text-messaging devices; personal digital assistants; pagers;
30 broadband personal communication devices; electronic devices
31 with mobile data access; and any substantially similar
32 device that is used to initiate or receive communication or
33 store and review information, videos, images, or data.

34 2. The violation of subdivision (1) of subsection 1 of
35 this section shall be a class D felony; the violation of
36 subdivision (2) of this section shall be a class E felony;
37 the violation of subdivision (3) of this section shall be a
38 class A misdemeanor; [and] the violation of subdivision (4)
39 of this section shall be a class B felony; **and the violation**
40 **of subdivision (5) of this section shall be a class D felony.**

41 3. The chief operating officer of a county or city
42 jail or other correctional facility or the administrator of
43 a private jail may deny visitation privileges to or refer to
44 the county prosecuting attorney for prosecution any person
45 who knowingly delivers, attempts to deliver, possesses,
46 deposits, or conceals in or about the premises of such jail
47 or facility any personal item which is prohibited by rule or
48 regulation of such jail or facility. Such rules or

49 regulations, including a list of personal items allowed in
50 the jail or facility, shall be prominently posted for
51 viewing both inside and outside such jail or facility in an
52 area accessible to any visitor, and shall be made available
53 to any person requesting such rule or regulation. Violation
54 of this subsection shall be an infraction if not covered by
55 other statutes.

56 4. Any person who has been found guilty of a violation
57 of subdivision (2) of subsection 1 of this section involving
58 any alkaloid shall be entitled to expungement of the record
59 of the violation. The procedure to expunge the record shall
60 be pursuant to section 610.123. The record of any person
61 shall not be expunged if such person has been found guilty
62 of knowingly delivering, attempting to deliver, possessing,
63 depositing, or concealing any alkaloid of any controlled
64 substance in or about the premises of any correctional
65 center, or city or county jail, or private prison or jail.

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