

SECOND REGULAR SESSION

# HOUSE BILL NO. 1223

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BRATTIN (Sponsor), SMITH (150) AND ALLEN (Co-sponsors).

4752L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 217.125, 217.197, and 217.255, RSMo, and to enact in lieu thereof four new sections relating to inmates in correctional facilities.

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

Section A. Sections 217.125, 217.197, and 217.255, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 191.774, 217.125, 217.197, and 217.255, to read as follows:

**191.774. No person shall smoke or otherwise use tobacco products in any area of a state correctional center or the grounds thereof. Any person who violates the provisions of this section is guilty of an infraction.**

217.125. 1. (1) Notwithstanding any other provision of law, an offender may be required to perform hard labor.

(2) The general assembly finds that as correctional costs increase innovative new ways to manage inmates' idleness through productive inmate work programs should be developed and implemented. Inmate work programs have been found to be an effective means for rehabilitating many inmates and reducing recidivism. By requiring inmates to develop meaningful work ethics through hard labor, inmates will gain valuable work experience, the correctional facilities will be able to better control institutional costs, and the public will realize their desire to have the best use of public resources on public safety.

(3) For purposes of this subsection, "hard labor" means physical or mental labor which is performed for a defined period of time not to exceed forty hours each week. The hard labor shall include useful and productive work and menial labor performed in a chain gang while outside the correctional facility or in work groups within the correctional

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

14 **facility. Hard labor does not include labor which is dangerous to an inmate's health or life,**  
15 **unduly painful, or is required to be performed under conditions that would violate**  
16 **occupational safety and health standards applicable to such labor if performed by a person**  
17 **who is not an inmate.**

18 **(4) The imposition of hard labor on an inmate shall not be deemed inhumane**  
19 **treatment of an inmate.**

20 **2.** No offender labor may be used for the profit, betterment or personal gain of any  
21 employee of the department.

217.197. 1. **Except as otherwise prohibited in subsection 3 of this section,** the  
2 amount and type of personal property an offender housed in a correctional center may possess  
3 shall be established by policy. Control and disposition of offender property as related to value  
4 and volume shall be set by policy.

5 **2.** Unauthorized personal property found in the possession of an offender housed in a  
6 correctional center may be impounded and disposed of per policy directives.

7 **3. Notwithstanding any other provision of law, the following items and services**  
8 **shall not be provided or permitted for inmates in a correctional facility:**

9 **(1) A television in an inmate cell;**

10 **(2) Cable or satellite television;**

11 **(3) Video games;**

12 **(4) Movies, other than movies with a PG rating;**

13 **(5) No music or other entertainment with cursing or other immoral language or**  
14 **images; and**

15 **(6) Exercise and weight equipment and rooms.**

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17 **Nothing in this subsection shall be deemed as inhumane treatment of an inmate.**

217.255. 1. The division shall adopt rules and regulations for establishing in each of the  
2 correctional centers a system of compensation to the offenders confined in the correctional  
3 centers, which shall provide for the compensation of each offender for work or services  
4 performed and for satisfactory performance in academic or vocational education classes during  
5 confinement.

6 **2.** The division shall prepare graduated wage schedules for payment of compensation to  
7 offenders.

8 **3.** Eight hours of work per day shall normally constitute a day of labor for each offender  
9 unless there is an emergency situation or otherwise approved by the division director or the chief  
10 administrative officer.

11           4. The director shall have the authority to pay into the crime victims' compensation fund  
12 from an offender's compensation or account, the amount owed by the offender to the crime  
13 victims' compensation fund, provided that the offender has failed to pay the amount owed to the  
14 fund prior to entering a department correctional center.

15           5. The department shall have the authority to remove from the offender's compensation  
16 or account such sums as may be deemed reasonable and proper as restitution for the offender's  
17 willful or malicious damage or destruction of state property.

18           6. Offenders shall only receive compensation for work performed which has been  
19 approved by the director or the chief administrative officer of the correctional center at which  
20 the offender is assigned. Any compensation received for unapproved work may be confiscated  
21 and credited to the crime victims' compensation fund.

22           **7. An offender's account shall be subject to a maximum balance of one hundred**  
23 **dollars.**

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