

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 735, Page 1, Section A, Line 5, by
2 inserting after all of said section and line the following:

3
4 "217.360. 1. It shall be an offense for any person to knowingly deliver, attempt to deliver,
5 have in his possession, deposit or conceal in or about the premises of any correctional center, or city
6 or county jail, or private prison or jail:

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

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

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

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

17 (5) Any two-way telecommunications device or its component parts.

18 2. The violation of subdivision (1) of subsection 1 of this section shall be a class C felony;
19 the violation of subdivision (2) or (5) of subsection 1 of this section shall be a class D felony; the
20 violation of subdivision (3) of subsection 1 of this section shall be a class A misdemeanor; and the
21 violation of subdivision (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 violation of subdivision
23 (2) of subsection 1 of this section involving any alkaloid shall be entitled to expungement of the
24 record of the violation. The procedure to expunge the record shall be pursuant to section 610.123.
25 The record of any person shall not be expunged if such person has been found guilty of or has pled
26 guilty to knowingly delivering, attempting to deliver, having in his possession, or depositing or
27 concealing any alkaloid of any controlled substance in or about the premises of any correctional
28 center, or city or county jail, or private prison or jail.

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

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

32 (2) Any other person who is authorized by the correctional center, city or county jail, or
33 private prison or jail to possess or use a two-way telecommunications device in the correctional
34 center, city or county jail, or private prison or jail.

35 221.111. 1. A person commits the offense of possession of unlawful items in a prison or jail
36 if such person knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or about

Standing Action Taken _____ Date _____

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1 the premises of any correctional center as the term "correctional center" is defined under section
2 217.010, or any city, county, or private jail:

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

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

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

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

13 (5) Any two-way telecommunications device or its component parts.

14 2. The violation of subdivision (1) of subsection 1 of this section shall be a class D felony;
15 the violation of subdivision (2) or (5) of subsection 1 of this section shall be a class E felony; the
16 violation of subdivision (3) of subsection 1 of this section shall be a class A misdemeanor; and the
17 violation of subdivision (4) of subsection 1 of this section shall be a class B felony.

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

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

33 5. Subdivision (5) of subsection 1 of this section shall not apply to:

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

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

39
40 Further amend said bill by amending the title, enacting clause, and intersectional references
41 accordingly.