

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 681, Page 1, In the Title, Lines 5-6, by deleting
2 the words "corrections proceedings" and inserting in lieu thereof the words "department of corrections"; and

3
4 Further amend said bill and page, Section A, Line 5, by inserting after all of said section and line the
5 following:

6
7 "217.360. 1. It shall be an offense for any person to knowingly deliver, attempt to deliver, have in
8 his possession, deposit or conceal in or about the premises of any correctional center, or city or county jail, or
9 private prison or jail:

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

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

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

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

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

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

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

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

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

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

37
38 Further amend said bill, Page 5, Section 217.722, Line 38, by inserting after all of said section and line the
39 following:

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1
2 "221.111. 1. A person commits the offense of possession of unlawful items in a prison or jail if
3 such person knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or about the premises
4 of any correctional center 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 the written prescription of a
7 licensed physician, dentist, or veterinarian;

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

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

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

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

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

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

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

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

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

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

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