

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 144 & 46
91ST GENERAL ASSEMBLY

Reported from the Committee on Criminal Law, February 8, 2001, with recommendation that the House Committee Substitute for House Bills Nos. 144 & 46 Do Pass.

TED WEDEL, Chief Clerk

0515L.04C

AN ACT

To repeal section 575.230, RSMo 2000, relating to jails and jailers, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

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

Section A. Section 575.230, RSMo 2000, is repealed and two new sections enacted in lieu thereof, to be known as sections 221.510 and 575.230, to read as follows:

221.510. 1. This statute section shall be known as "Jake's Law" in honor of Jake Robel.

2. Every chief law enforcement official, sheriff, public jailer, private jailer, department of corrections official and all regional jail district officials shall conduct an inquiry of pending outstanding warrants on all prisoners about to be released, whether convicted of a crime or being held on suspicion of charges.

3. No prisoner, whether convicted of a crime or being held on suspicion of charges, shall be released or transferred from a correctional facility, public jail or private jail to any other facility prior to having a local, state or federal warrant check conducted by a law enforcement official, sheriff or authorized member of the correctional facility, public jail or private jail.

4. If any prisoner warrant check indicates outstanding charges or outstanding warrants from another jurisdiction, it shall be the duty of the official conducting the warrant check to inform the agency that issued the warrant that the correctional facility, public jail, or private jail has such prisoner in custody, and that prisoner shall not be

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

16 released unless to the custody of the jurisdictional authority that had issued the warrant,
17 unless the warrant has been satisfied or dismissed, or unless the warrant issuing agency has
18 notified the correctional facility, public jail, or private jail holding the prisoner that they
19 do not wish the prisoner to be transferred or the warrant to be pursued.

20 **5. Any person may make a report to the Missouri highway patrol for violations of**
21 **this section and the highway patrol shall conduct an investigation. If, in the opinion of the**
22 **superintendent of the Missouri highway patrol, the investigation yields reasonable grounds**
23 **to believe that a violation of this section is occurring or has occurred, such person shall**
24 **refer that information to either the attorney general of the state of Missouri or the county**
25 **prosecutor of the county where the violations are alleged to have occurred.**

26 **6. If a law enforcement official, sheriff or authorized member of the correctional**
27 **facility, public jail or private jail fails to perform a warrant check which results in the**
28 **release of a prisoner with outstanding warrants, that individual shall be guilty of a class**
29 **A misdemeanor.**

575.230. 1. A person commits the crime of aiding escape of a prisoner if [he] **the**
2 **person:**

3 (1) Introduces into any place of confinement any deadly weapon or dangerous
4 instrument, or other thing adapted or designed for use in making an escape, with the purpose of
5 facilitating the escape of any prisoner confined therein, or of facilitating the commission of any
6 other crime; or

7 (2) Assists or attempts to assist any prisoner who is being held in custody or confinement
8 for the purpose of effecting the prisoner's escape from custody or confinement.

9 2. Aiding escape of a prisoner by introducing a deadly weapon or dangerous instrument
10 into a place of confinement is a class B felony. Aiding escape of a prisoner being held in custody
11 or confinement on the basis of a felony charge or conviction is a class [D] **B** felony. Otherwise,
12 aiding escape of a prisoner is a class A misdemeanor.