

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 807, Page 1, in the Title, Line 3, by deleting all of said line and inserting in
2 lieu thereof the words "court proceedings."; and

3
4 Further amend said bill and page, Section A, Line 2, by inserting immediately after all of said line
5 the following:

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

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

12 (2) Any other alkaloid of any controlled substance, any spirituous or malt liquor, or any
13 intoxicating 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
15 and 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
17 such manner as to endanger the safety or security of the correctional center, or city or county jail, or
18 private prison or jail or as to endanger the life or limb of any offender or employee of such a center;
19 or

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

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

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

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

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

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

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1 or county jail, or private prison or jail.

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

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

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

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

13 (4) Any gun, knife, weapon, or other article or item of personal property that may be used in
14 such manner as to endanger the safety or security of the institution or as to endanger the life or limb
15 of any 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;
18 the violation of subdivision (2) or (5) of subsection 1 of this section shall be a class E felony; the
19 violation of subdivision (3) of subsection 1 of this section shall be a class A misdemeanor; and the
20 violation of 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
23 attorney for prosecution any person who knowingly delivers, attempts to deliver, possesses, deposits,
24 or conceals in or about the premises of such jail or facility any personal item which is prohibited by
25 rule or regulation of such jail or facility. Such rules or regulations, including a list of personal items
26 allowed in the jail or facility, shall be prominently posted for viewing both inside and outside such
27 jail or facility in an area accessible to any visitor, and shall be made available to any person
28 requesting such rule or regulation. Violation of this subsection shall be an infraction if not covered
29 by other statutes.

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

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

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

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

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