

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 34, Page 9, Section  
2 167.117, Line 44, by inserting immediately after said section and line the following:

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

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

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

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

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

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

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

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

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

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 the premises of any correctional center, or city or county jail, or private prison or jail.

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

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

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

8 (3) Any person, unless the correctional center or city, county, or private jail posts a  
9 conspicuous notice that two-way telecommunications devices or their component parts are not  
10 permitted beyond a certain point and the person knowingly possesses the two-way  
11 telecommunications device or its component parts beyond that point.

12  
13 However, no individual referenced in subdivision (1) or (2) of this subsection shall knowingly  
14 deliver, attempt to deliver, or deposit a two-way telecommunications device or its component parts  
15 to an inmate or a prisoner or detainee in any correctional center or city, county, or private jail."; and

16  
17 Further amend said bill by amending the title, enacting clause, and intersectional references  
18 accordingly.