

HOUSE AMENDMENT NO.____
TO
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Offered By

AMEND House Amendment No.____ to House Committee Substitute for Senate Substitute for Senate Bill No. 34, Page 1, Line 25, by deleting said line and inserting in lieu thereof the following:

"revert or be transferred to general revenue.

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

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

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

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

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

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

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

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

4. Any person who has been found guilty of a violation of subdivision (2) of subsection 1 of

Action Taken_____ Date _____

1 this section involving any alkaloid shall be entitled to expungement of the record of the violation.
2 The procedure to expunge the record shall be pursuant to section 610.123. The record of any person
3 shall not be expunged if such person has been found guilty of knowingly delivering, attempting to
4 deliver, possessing, depositing, or concealing any alkaloid of any controlled substance in or about
5 the premises of any correctional center, or city or county jail, or private prison or jail.

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

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

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

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

16
17 However, no individual referenced in subdivision (1) or (2) of this subsection shall knowingly
18 deliver, attempt to deliver, or deposit a two-way telecommunications device or its component parts
19 to an inmate or a prisoner or detainee in any correctional center or city, county, or private jail.";
20 and"; and

21
22 Further amend said bill by amending the title, enacting clause, and intersectional references
23 accordingly.

24
25 THIS AMENDS 0089H04.10H.