

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

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

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 966, Page 29, Section 221.105, Line 48, by inserting immediately after said section  
3 and line the following:  
4

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

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

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

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

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

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

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

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

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

1 deliver, possessing, depositing, or concealing any alkaloid of any controlled substance in or about  
2 the premises of any correctional center, or city or county jail, or private prison or jail.

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

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

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

9 (3) Any person who is not an inmate possessing a two-way telecommunications device or its  
10 component parts in an area of a correctional center or city, county, or private jail where such person  
11 may lawfully be without the intent to conceal, deliver to, or deposit for the use of another; except  
12 that, if such person refuses to comply with orders to surrender such device or its component parts,  
13 he or she shall be guilty of a class A misdemeanor."; and

14  
15 Further amend said bill by amending the title, enacting clause, and intersectional references  
16 accordingly.