

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2708
103RD GENERAL ASSEMBLY

6229H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 221.111, RSMo, and to enact in lieu thereof one new section relating to the possession of unlawful items in a prison or jail, with penalty provisions.

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

Section A. Section 221.111, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 221.111, to read as follows:

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 or electronic 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 unauthorized portable electronic communication device that is capable of being used to initiate, receive, store, or view communication, information, images, or data. Such electronic communication devices shall include, but not be limited to, cellular telephones, portable telephones, text messaging devices, personal digital

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 **assistants, pagers, broadband personal communication devices, electronic devices with**
20 **mobile data access, and any substantially similar device that is capable of being used to**
21 **initiate or receive communication or store and review information, videos, images, or**
22 **data.**

23 2. The violation of subdivision (1) of subsection 1 of this section shall be a class D
24 felony; the violation of subdivision (2) of this section shall be a class E felony; the violation
25 of subdivision (3) of this section shall be a class A misdemeanor; ~~and~~ the violation of
26 subdivision (4) of this section shall be a class B felony; **and the violation of subdivision (5)**
27 **of this section shall be a class D felony.**

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

37 4. Any person who has been found guilty of a violation of subdivision (2) of
38 subsection 1 of this section involving any alkaloid shall be entitled to expungement of the
39 record of the violation. The procedure to expunge the record shall be pursuant to section
40 610.123. The record of any person shall not be expunged if such person has been found
41 guilty of knowingly delivering, attempting to deliver, possessing, depositing, or concealing
42 any alkaloid of any controlled substance in or about the premises of any correctional center,
43 or city or county jail, or private prison or jail.

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