

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 70

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DINKINS.

0286H.01P

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

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

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Section A. Section 221.111, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 221.111, to read as follows: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

(5) **Any two-way telecommunications device or the component parts thereof.**

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.

16           2. The violation of subdivision (1) of subsection 1 of this section shall be a class D  
17 felony; the violation of subdivision (2) **or (5) of subsection 1** of this section shall be a class E  
18 felony; the violation of subdivision (3) **of subsection 1** of this section shall be a class A  
19 misdemeanor; and the violation of subdivision (4) **of subsection 1** of this section shall be a class  
20 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,  
24 deposits, or conceals in or about the premises of such jail or facility any personal item which is  
25 prohibited by rule or regulation of such jail or facility. Such rules or regulations, including a list  
26 of personal items allowed in the jail or facility, shall be prominently posted for viewing both  
27 inside and outside such jail or facility in an area accessible to any visitor, and shall be made  
28 available to any person requesting such rule or regulation. Violation of this subsection shall be  
29 an infraction if not covered by other statutes.

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

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

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

40           **(2) Any person authorized by the correctional center or city, county, or private jail**  
41 **to possess or use a two-way telecommunications device in the correctional center or city,**  
42 **county, or private jail; or**

43           **(3) Any person who is not an inmate possessing a two-way telecommunications**  
44 **device or the component parts thereof in a correctional center or city, county, or private**  
45 **jail if such person lawfully acts without intent to conceal and without intent to deliver to**  
46 **another person or deposit for the use of another person; however, if such person refuses**  
47 **to comply with orders to surrender such device or its component parts, he or she shall be**  
48 **guilty of a class A misdemeanor.**

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