

CCS#2 HCS SCS SB 44 -- PRIVATE JAILS

This bill changes the laws regarding private jails. In its main provisions, the bill:

(1) Specifies that a private jail is a facility not owned or operated by the state, a county, or a municipality which confines or detains prisoners and makes these facilities subject to all state laws and local ordinances;

(2) Requires all reports regarding violations of state law which result in a punishment of at least one year in prison to include the name and address of the private jail, the name of the prisoner who may have committed the crime, information regarding the nature of the crime, the name of the complainant, and any other relevant information;

(3) Requires the administrator of a private jail to report in a timely manner all state criminal law violations to the law enforcement agency having jurisdiction over the area in which the private jail is located. The administrator and employees are required to cooperate with law enforcement in any investigation of a crime committed in a private jail;

(4) Requires private jails, in the event of an escape, to promptly notify the proper law enforcement agency, the State Highway Patrol, and any court or governmental agency from which the escapee was referred. The jail must provide all available information regarding the escape and the escapee to law enforcement agencies;

(5) Establishes immunity from civil and criminal liability for administrators and employees making reports or testifying, unless the person acted with malice;

(6) Requires prisoners to be separated by gender and cause for incarceration;

(7) Requires the jail administrator to arrange for necessary health care services and provide adequate food, clothing, and bedding;

(8) Prohibits inmates of a private jail to be used for the profit, betterment, or personal gain of any employee of the county or any employee of the private jail;

(9) Requires all investigations performed by local law enforcement to be concluded in a timely manner and a written report of the conclusions provided to the jail;

(10) Prohibits the state or a political subdivision from contracting with private jails, unless the private jail provides written documentation of its ability to indemnify the state or political subdivision for any liability which attaches to the state or political subdivision as a result of the contract or services provided under the contract;

(11) Prohibits any person from knowingly delivering, attempting to deliver, having in his or her possession, or depositing or concealing any controlled substance or specified contraband in or about the premises of any private jail;

(12) Makes it a crime to damage a private jail;

(13) Requires private jail administrators to make inquiry to the Missouri Uniform Law Enforcement System and the National Crime Information Center prior to an inmate's release. If an administrator purposely fails to make inquiry with the intent to release an inmate who has an outstanding warrant, he or she will be guilty of a class A misdemeanor;

(14) Includes private jails and county correctional facilities under the provisions of law regarding the crime of escape or attempted escape from confinement; and

(15) Specifies that nothing in the bill will create any new civil cause of action under Missouri law.