

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 194
100TH GENERAL ASSEMBLY

0777H.08C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 221.111, RSMo, and to enact in lieu thereof two new sections relating to offenses for unlawful conduct at certain facilities, 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Section A. Section 221.111, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 221.111 and 569.157, to read as follows: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.**

569.157. 1. A person commits the offense of unlawful use of unmanned aircraft if
2 **he or she:**

3 (1) Operates an unmanned aircraft below an altitude of three hundred feet from
4 the ground and within the property line of a facility; or

5 (2) Purposely uses an unmanned aircraft to deliver to a person within the facility
6 any object described under subdivision (2) or (4) of subsection 5 of this section.

7 2. For purposes of this section, the following terms mean:

8 (1) "Correctional center", any:

9 (a) Correctional center, as defined under section 217.010;

10 (b) Private jail, as defined under section 221.095; or

11 (c) County or municipal jail;

12 (2) "Facility", a correctional center, mental health hospital, or sports arena;

13 (3) "Mental health hospital", a facility operated by the department of mental health
14 to provide inpatient evaluation, treatment, or care to persons suffering from a mental
15 disorder, as defined under section 630.005; mental illness, as defined under section 630.005;
16 or mental abnormality, as defined under section 632.480;

17 (4) "Person within the facility", an employee of a facility, an offender of a
18 correctional center, a patient of a mental health hospital, a patron of a sports arena, or any
19 other person within a facility;

20 (5) "Sports arena", any sports arena or stadium with a seating capacity of five
21 thousand or more.

22 3. The provisions of this section shall not prohibit the operation of an unmanned
23 aircraft by:

24 (1) An employee of the facility at the direction of the chief administrative officer of
25 the facility;

26 (2) A person who has written consent from the chief administrative officer of the
27 facility;

28 (3) An employee of a law enforcement agency, fire department, or emergency
29 medical service in the exercise of official duties;

30 (4) A government official or employee in the exercise of official duties;

31 (5) A public utility or a rural electric cooperative if:

32 (a) The unmanned aircraft is used for the purpose of inspecting, repairing, or
33 maintaining utility transmission, distribution lines, other utility equipment, or
34 infrastructure;

35 (b) The utility notifies the facility at least twenty-four hours before flying the
36 unmanned aircraft, except during an emergency; and

37 (c) The person operating the unmanned aircraft does not physically enter the
38 facility without an escort provided by the facility; or

39 **(6) An employee of a railroad in the exercise of official duties on any land owned**
40 **or operated by a railroad corporation regulated by the Federal Railroad Administration.**

41 **4. Each facility shall post a sign warning of the provisions of this section. The sign**
42 **shall be at least eleven inches by fourteen inches and posted in a conspicuous place.**

43 **5. The offense of unlawful use of unmanned aircraft shall be punished as:**

44 **(1) An infraction;**

45 **(2) A class B felony if the person operating the unmanned aircraft was delivering**
46 **a gun, knife, weapon, cell phone, or other article that may be used in such a manner as to**
47 **endanger the life of a person within the facility;**

48 **(3) A class C felony if the person operating the unmanned aircraft was facilitating**
49 **an escape from commitment, detention, or conditional release under section 575.195 or an**
50 **escape or attempted escape from confinement under section 575.210; or**

51 **(4) A class D felony if the person operating the unmanned aircraft was delivering**
52 **a controlled substance, as defined under chapter 195.**

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