

SECOND REGULAR SESSION

# SENATE BILL NO. 556

96TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CURLS.

Pre-filed December 12, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4172S.011

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## AN ACT

To repeal section 211.073, RSMo, and to enact in lieu thereof one new section relating to sentences under dual jurisdiction.

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

Section A. Section 211.073, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 211.073, to read as follows:

211.073. 1. The court may, in a case when the offender is under  
2 seventeen years of age and has been transferred to a court of general jurisdiction  
3 pursuant to section 211.071, and whose prosecution results in a conviction or a  
4 plea of guilty, invoke dual jurisdiction of both the criminal and juvenile codes, as  
5 set forth in this section. The court is authorized to impose a juvenile disposition  
6 under this chapter and simultaneously impose an adult criminal sentence, the  
7 execution of which shall be suspended **or suspend imposition of an adult**  
8 **criminal sentence** pursuant to the provisions of this section. Successful  
9 completion of the juvenile disposition ordered shall be a condition of the  
10 suspended adult criminal sentence. The court may order an offender into the  
11 custody of the division of youth services pursuant to this section if:

12 (1) A facility is designed and built by the division of youth services  
13 specifically for offenders sentenced pursuant to this section and if the division  
14 determines that there is space available, based on design capacity, in the facility;  
15 and

16 (2) Upon agreement of the division.

17 2. If there is probable cause to believe that the offender has violated a  
18 condition of the suspended sentence or committed a new offense, the court shall  
19 conduct a hearing on the violation charged, unless the offender waives such  
20 hearing. If the violation is established and found the court may continue or

21 revoke the juvenile disposition, impose the adult criminal sentence, or enter such  
22 other order as it may see fit.

23           3. When an offender has received a suspended sentence **or imposition**  
24 **of sentence has been suspended** pursuant to this section and the division  
25 determines the child is beyond the scope of its treatment programs, the division  
26 of youth services may petition the court for a transfer of custody of the  
27 offender. The court shall hold a hearing and shall:

28           (1) Revoke the suspension **or impose a sentence** and direct that the  
29 offender be taken into immediate custody of the department of corrections; or

30           (2) Direct that the offender be placed on probation.

31           4. When an offender who has received a suspended sentence **or had**  
32 **imposition of sentence suspended** reaches the age of seventeen, the court  
33 shall hold a hearing. The court shall:

34           (1) Revoke the suspension **or impose a sentence** and direct that the  
35 offender be taken into immediate custody of the department of corrections;

36           (2) Direct that the offender be placed on probation; or

37           (3) Direct that the offender remain in the custody of the division of youth  
38 services if the division agrees to such placement.

39           5. The division of youth services shall petition the court for a hearing  
40 before it releases an offender who comes within subsection 1 of this section at any  
41 time before the offender reaches the age of twenty-one years. The court shall:

42           (1) Revoke the suspension **or impose a sentence** and direct that the  
43 offender be taken into immediate custody of the department of corrections; or

44           (2) Direct that the offender be placed on probation.

45           6. If the suspension of the adult criminal sentence is revoked, all time  
46 served by the offender under the juvenile disposition shall be credited toward the  
47 adult criminal sentence imposed.

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