

SECOND REGULAR SESSION

# SENATE BILL NO. 682

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CURLS.

Read 1st time January 8, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

4894S.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Section A. Section 211.073, RSMo, is repealed and one new section  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 shall, in a case when the offender is under  
2 seventeen years and six months of age and has been transferred to a court of  
3 general jurisdiction pursuant to section 211.071, and whose prosecution results  
4 in a conviction or a plea of guilty, consider dual jurisdiction of both the criminal  
5 and juvenile codes, as set forth in this section. The court is authorized to impose  
6 a juvenile disposition under this chapter and simultaneously impose an adult  
7 criminal sentence, the execution of which shall be suspended **or suspend**  
8 **imposition of an adult criminal sentence** pursuant to the provisions of this  
9 section. Successful completion of the juvenile disposition ordered shall be a  
10 condition of the suspended adult criminal sentence. The court may order an  
11 offender into the custody of the division of youth services pursuant to this section:

12 (1) Upon agreement of the division of youth services; and  
13 (2) If the division of youth services determines that there is space  
14 available in a facility designed to serve offenders sentenced under this section.  
15 If the division of youth services agrees to accept a youth and the court does not  
16 impose a juvenile disposition, the court shall make findings on the record as to  
17 why the division of youth services was not appropriate for the offender prior to  
18 imposing the adult criminal sentence.

19 2. If there is probable cause to believe that the offender has violated a  
20 condition of the suspended sentence or committed a new offense, the court shall

21 conduct a hearing on the violation charged, unless the offender waives such  
22 hearing. If the violation is established and found the court may continue or  
23 revoke the juvenile disposition, impose the adult criminal sentence, or enter such  
24 other order as it may see fit.

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

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

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

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

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

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

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

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

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

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

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

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