

SECOND REGULAR SESSION

SENATE BILL NO. 777

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

Pre-filed December 6, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5346S.01I

AN ACT

To repeal section 221.105, RSMo, and to enact in lieu thereof one new section relating to reimbursement for the cost of incarcerating certain prisoners.

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

Section A. Section 221.105, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 221.105, to read as follows:

221.105. 1. The governing body of any county and of any city not within
2 a county shall fix the amount to be expended for the cost of incarceration of
3 prisoners confined in jails or medium security institutions. The per diem cost of
4 incarceration of these prisoners chargeable by the law to the state shall be
5 determined, subject to the review and approval of the department of corrections.
6 2. When the final determination of any criminal prosecution shall be such
7 as to render the state liable for costs under existing laws, it shall be the duty of
8 the sheriff to certify to the clerk of the circuit court or court of common pleas in
9 which the case was determined the total number of days any prisoner who was
10 a party in such case remained in the county jail. It shall be the duty of the
11 county commission to supply the cost per diem for county prisons to the clerk of
12 the circuit court on the first day of each year, and thereafter whenever the
13 amount may be changed. It shall then be the duty of the clerk of the court in
14 which the case was determined to include in the bill of cost against the state all
15 fees which are properly chargeable to the state. In any city not within a county
16 it shall be the duty of the superintendent of any facility boarding prisoners to
17 certify to the chief executive officer of such city not within a county the total
18 number of days any prisoner who was a party in such case remained in such
19 facility. It shall be the duty of the superintendents of such facilities to supply the
20 cost per diem to the chief executive officer on the first day of each year, and

21 thereafter whenever the amount may be changed. It shall be the duty of the chief
22 executive officer to bill the state all fees for boarding such prisoners which are
23 properly chargeable to the state. The chief executive may by notification to the
24 department of corrections delegate such responsibility to another duly sworn
25 official of such city not within a county. The clerk of the court of any city not
26 within a county shall not include such fees in the bill of costs chargeable to the
27 state. The department of corrections shall revise its criminal cost manual in
28 accordance with this provision.

29 3. Except as provided under subsection 6 of section 217.718, the actual
30 costs chargeable to the state, including those incurred for a prisoner who is
31 incarcerated in the county jail because the prisoner's parole or probation has been
32 revoked or because the prisoner has, or allegedly has, violated any condition of
33 the prisoner's parole or probation, and such parole or probation is a consequence
34 of a violation of a state statute, or the prisoner is a fugitive from the Missouri
35 department of corrections or otherwise held at the request of the Missouri
36 department of corrections regardless of whether or not a warrant has been issued
37 shall be the actual cost of incarceration not to exceed:

38 (1) Until July 1, 1996, seventeen dollars per day per prisoner;

39 (2) On and after July 1, 1996, twenty dollars per day per prisoner;

40 (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per
41 day per prisoner, subject to appropriations, but not less than the amount
42 appropriated in the previous fiscal year.

43 **4. If a prisoner has not been charged with a dangerous felony as**
44 **defined in section 556.061, or with the offense of murder in the first**
45 **degree pursuant to section 565.020, the total costs chargeable to the**
46 **state as described in this section for the incarceration of that prisoner**
47 **shall not exceed the total of fourteen times the maximum daily rate to**
48 **be paid per prisoner as described in subsection 3 of this section.**

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