

FIRST REGULAR SESSION

SENATE BILL NO. 512

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Read 1st time February 28, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2441S.011

AN ACT

To repeal section 221.105, RSMo, and to enact in lieu thereof three new sections relating to local boarding of certain offenders.

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

Section A. Section 221.105, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 217.187, 217.189, and 221.105, to read as follows:

217.187. 1. The department of corrections shall create the "Local Boarding of Offenders Grant Program". This program shall issue grants to any county or city not within a county that apply for such grant seeking reimbursement for costs associated with boarding certain offenders. These costs shall have been incurred after August 28, 2019, in order to receive a grant from this program.

2. The department shall publish a report that outlines the requirements a grant application shall meet in order for the program to issue the grant sought in the application.

3. Grants issued by this program shall be paid out of the local boarding of offenders fund created in section 217.189.

4. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the

21 **program authorized under this section is sunset.**

217.189. (1) **There is hereby created in the state treasury the**
2 **"Local Boarding of Offenders Fund", which shall consist of money**
3 **appropriated by the general assembly. The state treasurer shall be**
4 **custodian of the fund. In accordance with sections 30.170 and 30.180,**
5 **the state treasurer may approve disbursements. The fund shall be a**
6 **dedicated fund and money in the fund shall be used solely by the**
7 **department of corrections to issue grants authorized by the local**
8 **boarding of offenders grant program created in section 217.187.**

(2) **Notwithstanding the provisions of section 33.080 to the**
10 **contrary, any moneys remaining in the fund at the end of the biennium**
11 **shall not revert to the credit of the general revenue fund.**

(3) **The state treasurer shall invest moneys in the fund in the**
13 **same manner as other funds are invested. Any interest and moneys**
14 **earned on such investments shall be credited to the fund.**

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.**

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. The presiding judge of a judicial circuit may propose expenses to be
44 reimbursable by the state on behalf of one or more of the counties in that
45 circuit. Proposed reimbursable expenses may include pretrial assessment and
46 supervision strategies for defendants who are ultimately eligible for state
47 incarceration. A county may not receive more than its share of the amount
48 appropriated in the previous fiscal year, inclusive of expenses proposed by the
49 presiding judge. Any county shall convey such proposal to the department, and
50 any such proposal presented by a presiding judge shall include the documented
51 agreement with the proposal by the county governing body, prosecuting attorney,
52 at least one associate circuit judge, and the officer of the county responsible for
53 custody or incarceration of prisoners of the county represented in the
54 proposal. Any county that declines to convey a proposal to the department,
55 pursuant to the provisions of this subsection, shall receive its per diem cost of
56 incarceration for all prisoners chargeable to the state in accordance with the
57 provisions of subsections 1, 2, and 3 of this section.

58 **5. This section shall expire on August 28, 2019. All expenses**
59 **incurred before August 28, 2019, which are eligible to be reimbursed by**
60 **the state under the provisions of this section shall be reimbursed at the**
61 **discretion of the general assembly.**

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Unofficial

Bill

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