

FIRST REGULAR SESSION

SENATE BILL NO. 511

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

2382S.011

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 221.105, RSMo, and to enact in lieu thereof one new section relating to the department of corrections reimbursements to counties.

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Section A. Section 221.105, RSMo, is repealed and one new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

221.105. 1. The governing body of any county and of
2 any city not within a county shall fix the amount to be
3 expended for the cost of incarceration of prisoners confined
4 in jails or medium security institutions. The per diem cost
5 of incarceration of these prisoners chargeable by the law to
6 the state shall be determined, subject to the review and
7 approval of the department of corrections.

8 2. When the final determination of any criminal
9 prosecution shall be such as to render the state liable for
10 costs under existing laws, it shall be the duty of the
11 sheriff to certify to the clerk of the circuit court or
12 court of common pleas in which the case was determined the
13 total number of days any prisoner who was a party in such
14 case remained in the county jail. It shall be the duty of
15 the county commission to supply the cost per diem for county
16 prisons to the clerk of the circuit court on the first day
17 of each year, and thereafter whenever the amount may be
18 changed. It shall then be the duty of the clerk of the

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 court in which the case was determined to include in the
20 bill of cost against the state all fees which are properly
21 chargeable to the state. In any city not within a county it
22 shall be the duty of the superintendent of any facility
23 boarding prisoners to certify to the chief executive officer
24 of such city not within a county the total number of days
25 any prisoner who was a party in such case remained in such
26 facility. It shall be the duty of the superintendents of
27 such facilities to supply the cost per diem to the chief
28 executive officer on the first day of each year, and
29 thereafter whenever the amount may be changed. It shall be
30 the duty of the chief executive officer to bill the state
31 all fees for boarding such prisoners which are properly
32 chargeable to the state. The chief executive may by
33 notification to the department of corrections delegate such
34 responsibility to another duly sworn official of such city
35 not within a county. The clerk of the court of any city not
36 within a county shall not include such fees in the bill of
37 costs chargeable to the state. The department of
38 corrections shall revise its criminal cost manual in
39 accordance with this provision.

40 3. Except as provided under subsection 6 of section
41 217.718, the actual costs chargeable to the state, including
42 those incurred for a prisoner who is incarcerated in the
43 county jail because the prisoner's parole or probation has
44 been revoked or because the prisoner has, or allegedly has,
45 violated any condition of the prisoner's parole or
46 probation, and such parole or probation is a consequence of
47 a violation of a state statute, or the prisoner is a
48 fugitive from the Missouri department of corrections or
49 otherwise held at the request of the Missouri department of
50 corrections regardless of whether or not a warrant has been

51 issued shall be the actual cost of incarceration not to
52 exceed:

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

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

57 (3) On and after July 1, 1997, up to thirty-seven
58 dollars and fifty cents per day per prisoner, subject to
59 appropriations[, but not less than the amount appropriated
60 in the previous fiscal year].

61 4. The presiding judge of a judicial circuit may
62 propose expenses to be reimbursable by the state on behalf
63 of one or more of the counties in that circuit. Proposed
64 reimbursable expenses may include pretrial assessment and
65 supervision strategies for defendants who are ultimately
66 eligible for state incarceration. A county may not receive
67 more than its share of the amount appropriated in the
68 previous fiscal year, inclusive of expenses proposed by the
69 presiding judge. Any county shall convey such proposal to
70 the department, and any such proposal presented by a
71 presiding judge shall include the documented agreement with
72 the proposal by the county governing body, prosecuting
73 attorney, at least one associate circuit judge, and the
74 officer of the county responsible for custody or
75 incarceration of prisoners of the county represented in the
76 proposal. Any county that declines to convey a proposal to
77 the department, pursuant to the provisions of this
78 subsection, shall receive its per diem cost of incarceration
79 for all prisoners chargeable to the state in accordance with
80 the provisions of subsections 1, 2, and 3 of this section.

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