

SECOND REGULAR SESSION

SENATE BILL NO. 1189

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

4668S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 211.331 and 211.341, RSMo, and to enact in lieu thereof three new sections relating to juvenile detention.

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

Section A. Sections 211.331 and 211.341, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be
3 known as sections 211.331, 211.341, and 211.342, to read as
4 follows:

211.331. 1. In each county of the first and second
2 classifications, **except as provided by section 211.331**, and
3 in the city of St. Louis, it is the duty of the county
4 commission, or, where there is no county commission, such
5 other authorized body, to provide a place of detention for
6 children coming within the provisions of this chapter. It
7 is also the duty of the county commission or other
8 authorized body to provide offices for the personnel of the
9 juvenile court.

10 2. The place of detention shall be so located and
11 arranged that the child being detained does not come in
12 contact, at any time or in any manner, with adults convicted
13 or under arrest, and the care of children in detention shall
14 approximate as closely as possible the care of children in
15 good homes.

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

3. The place of detention shall be in charge of a superintendent. The judge of the juvenile court or the family court administrator, if provided by local rule, shall appoint and fix the compensation and maintenance of the superintendent and of any assistants or other personnel required to operate the detention facility. Such compensation and maintenance are payable out of funds of the county.

4. The county commission or other governing body of the county is authorized to lease or to acquire by purchase, gift or devise land for such purpose, and to erect buildings thereon and to provide funds to equip and maintain the same for the subsistence and education of the children placed therein.

211.341. 1. Counties of the third and fourth classes within one judicial circuit, shall, upon the written recommendation of **or written notice by the county commission, or, where there is no county commission, such other authorized body,** to the **presiding** circuit judge of that judicial circuit, establish a place of juvenile detention to serve all of the counties within that judicial circuit, and in like manner, the counties shall supply offices for the juvenile officers of that circuit.

2. (1) The recommendation of the **presiding** circuit judge **provided in subsection 1 of this section** shall be made only after a hearing conducted by **[him]** the judge, after thirty days' notice, to determine the need and feasibility of establishing such a place of detention within the judicial circuit.

(2) The notice to the presiding circuit judge of the judicial circuit provided in subsection 1 of this section shall consist of notice of approval of an ordinance, order,

19 or resolution authorizing a place of detention by all
20 counties within that judicial circuit and the agreement
21 provided in section 211.342.

22 3. The provisions of section 211.331 apply as to the
23 form of operation and means of maintenance of the place of
24 detention, except that the total cost of establishment and
25 operation of the places of detention shall be prorated among
26 the several counties within that judicial circuit upon a
27 ratio to be determined by a comparison of the respective
28 populations of the counties. The point of location of the
29 place of juvenile detention shall be determined by the
30 circuit judge of the judicial circuit or pursuant to an
31 agreement established by section 211.342.

32 [2.] 4. The presiding circuit judges of any two or
33 more adjoining judicial circuits after a hearing as provided
34 in subsection 1 of this section may, by agreement confirmed
35 by judicial order, and in the interest of economy of
36 administration, establish one place of juvenile detention to
37 serve their respective judicial circuits. In such event,
38 the presiding circuit judges so agreeing shall jointly
39 govern the affairs of the place of detention and the cost
40 thereof shall be apportioned among the counties served in
41 the manner provided for in subsection 1 of this section.

42 [3.] 5. Any county of the third or fourth class
43 desiring to provide its own place of juvenile detention may
44 do so in the manner prescribed for counties of the first and
45 second classes.

211.342. 1. (1) A county commission, or any other
2 authorized body, may provide a place of detention for
3 children coming within the provisions of this chapter in
4 coordination with the county commission, or such other

5 authorized body, of the other counties within the same
6 circuit court.

7 (2) The county commission, or authorized body, of each
8 county desiring to coordinate a place of detention under
9 this subsection shall approve an ordinance, order, or
10 resolution authorizing a place of detention within the
11 county or within a county of the same circuit court and
12 shall approve an agreement as specified by subsection 4 of
13 this section between all counties of the same circuit court.

14 2. The county commissions, or any other authorized
15 bodies, of any two or more counties of adjoining judicial
16 circuits may, by ordinance, order, or resolution authorizing
17 a place of detention within one of the counties and
18 following an agreement as specified by subsection 4 of this
19 section between all counties of the adjoining circuit
20 courts, establish one place of juvenile detention to serve
21 the respective judicial circuits of the counties. All
22 counties within a respective judicial circuit are required
23 to authorize the place of detention and be members to the
24 agreement in order for a place of detention to be authorized
25 pursuant to this subsection.

26 3. The county commissions, or authorized bodies, shall
27 notify the presiding circuit judge of the judicial circuit
28 of the authorization of a place of detention under this
29 subsection. The notice to the presiding circuit judges of
30 the judicial circuits shall include notice of the approval
31 of an ordinance, order, or resolution authorizing a place of
32 detention by all counties and the agreement provided in
33 subsection 4 of this section.

34 4. The agreement that specifies the duties of each
35 county shall contain the following:

36 (1) The total cost of establishment and operation of
37 the places of detention;

38 (2) The prorated formula for the calculation of each
39 county's contribution to the costs of a detention facility
40 based upon a ratio of the respective populations of the
41 counties;

42 (3) The methods and powers that may be used for
43 constructing, leasing, or financing a detention facility;

44 (4) The use of the sales tax as authorized by
45 subsection 6 of this section; and

46 (5) The point of location of the place of juvenile
47 detention.

48 5. Subsection 2 and 3 of section 211.331 shall apply
49 to a juvenile detention facility authorized pursuant to this
50 section. The operation and support of a juvenile detention
51 facility authorized pursuant to this section shall be
52 regulated in accordance with the rules and standards of the
53 Missouri supreme court under the governance of the circuit
54 judge of the circuit court. If two or more counties of
55 adjoining judicial circuits have authorized a place of
56 detention pursuant to this section, the circuit judges shall
57 jointly govern the affairs of the place of detention.

58 6. (1) The counties authorizing a place of detention
59 pursuant to this section may impose, by order, a sales tax
60 up to one percent on all retail sales made in such counties
61 which are subject to taxation pursuant to the provisions of
62 sections 144.010 to 144.525 for the purpose of providing a
63 place of detention for children coming within the provisions
64 of this chapter in the respective counties. The tax
65 authorized by this section shall be in addition to any and
66 all other sales taxes allowed by law, except that no order
67 imposing a sales tax pursuant to this section shall be

effective unless the county commission, or authorized body, for each county in the circuit court submits to the voters of the county, on any election date authorized in chapter 115, a proposal to authorize the county commission, or authorized body, to impose a tax.

(2) The ballot of submission shall contain, but need not be limited to, the following language:

Shall the (counties' names) impose a region-wide sales tax of _____ (insert amount) for the purpose of providing a place of detention for children within in the jurisdiction of (circuit courts' name)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters of the county voting thereon are in favor of the proposal, then the order and any amendment to such order shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If the proposal receives less than the required majority, the county commission, or authorized body, shall have no power to impose the sales tax authorized pursuant to this section unless and until the county commission, or authorized body, shall again have submitted another proposal to authorize the county commission, or authorized body, to impose the sales tax authorized by this section and such proposal is approved by the required majority of the

98 qualified voters of the county commission, or authorized
99 body, voting on such proposal; however, in no event shall a
100 proposal pursuant to this section be submitted to the voters
101 sooner than twelve months from the date of the last
102 submission of a proposal pursuant to this section.

103 (3) All revenue received by a county from the tax
104 authorized pursuant to this section shall be deposited in a
105 special trust fund and shall be used solely for providing a
106 place of detention for children coming within the provisions
107 of this chapter for so long as the tax shall remain in
108 effect.

109 (4) Once the tax authorized by this section is
110 abolished or terminated by any means, all funds remaining in
111 the special trust fund shall be used solely for providing a
112 place of detention for children coming within the provisions
113 of this chapter for the counties. Any funds in such special
114 trust fund which are not needed for current expenditures may
115 be invested by the county commission in accordance with
116 applicable laws relating to the investment of other county
117 funds.

118 (5) All sales taxes collected by the director of
119 revenue pursuant to this section on behalf of any county,
120 less one percent for cost of collection which shall be
121 deposited in the state's general revenue fund after payment
122 of premiums for surety bonds as provided in section 32.087,
123 shall be deposited in a special trust fund, which is hereby
124 created, to be known as the "Juvenile Detention Center Sales
125 Tax Trust Fund". The moneys in the juvenile detention
126 center sales tax trust fund shall not be deemed to be state
127 funds and shall not be commingled with any funds of the
128 state. The director of revenue shall keep accurate records
129 of the amount of money in the trust fund which was collected

130 in each county imposing a sales tax pursuant to this
131 section, and the records shall be open to the inspection of
132 officers of each member county and the public. Not later
133 than the tenth day of each month the director of revenue
134 shall distribute all moneys deposited in the trust fund
135 during the preceding month to the county which levied the
136 tax. Such funds shall be deposited with the treasurer of
137 each such county, and all expenditures of funds arising from
138 the juvenile detention center sales tax trust fund shall be
139 paid pursuant to an appropriation adopted by the county
140 commission, or other such authorized body, and shall be
141 approved by the county commission, or other such authorized
142 body. Expenditures may be made from the fund for the
143 function authorized in the order adopted by the county
144 commission, or other such authorized body, submitting the
145 juvenile detention center tax to the voters.

146 (6) The director of revenue may make refunds from the
147 amounts in the trust fund and credited to any county for
148 erroneous payments and overpayments made, and may redeem
149 dishonored checks and drafts deposited to the credit of such
150 counties. If any county abolishes the tax, the county
151 commission, or the authorizing body, shall notify the
152 director of revenue of the action at least ninety days prior
153 to the effective date of the repeal, and the director of
154 revenue may order retention in the trust fund, for a period
155 of one year, of two percent of the amount collected after
156 receipt of such notice to cover possible refunds or
157 overpayment of the tax and to redeem dishonored checks and
158 drafts deposited to the credit of such accounts. After one
159 year has elapsed after the effective date of abolition of
160 the tax in such county, the director of revenue shall remit
161 the balance in the account to the county and close the

162 account of that county. The director of revenue shall
163 notify each county in each instance of any amount refunded
164 or any check redeemed from receipts due the county.

165 (7) Except as provided in this section, all provisions
166 of sections 32.085 and 32.087 shall apply to the tax imposed
167 pursuant to this section.

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