

SECOND REGULAR SESSION

HOUSE BILL NO. 2469

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PETERS.

6420H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 217.718 and 221.105, RSMo, and to enact in lieu thereof two new sections relating to boarding of prisoners, with a delayed effective date.

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

Section A. Sections 217.718 and 221.105, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 217.718 and 221.105, to read as follows:

217.718. 1. As an alternative to the revocation proceedings provided under sections
2 217.720, 217.722, and 559.036, and if the court has not otherwise required detention to be a
3 condition of probation under section 559.026, a probation or parole officer may order an offender
4 to submit to a period of detention in the county jail, or other appropriate institution, upon a
5 determination by a probation or parole officer that the offender has violated a condition of
6 continued probation or parole.

7 2. The period of detention may not exceed forty-eight hours the first time it is imposed
8 against an offender during a term of probation or parole. Subsequent periods may exceed
9 forty-eight hours, but the total number of hours an offender spends in detention under this section
10 shall not exceed three hundred sixty in any calendar year.

11 3. The officer shall present the offender with a written report detailing in what manner
12 the offender has violated the conditions of parole, probation, or conditional release and advise
13 the offender of the right to a hearing before the court or board prior to the period of detention.
14 The division shall file a copy of the violation report with the sentencing court or board after the
15 imposition of the period of detention and within a reasonable period of time that is consistent
16 with existing division procedures.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 4. Any offender detained under this section in a county of the first class or second class
18 or in any city with a population of five hundred thousand or more and detained as herein
19 provided shall be subject to all the provisions of section 221.170, even though the offender was
20 not convicted and sentenced to a jail or workhouse.

21 5. If parole, probation, or conditional release is revoked and a term of imprisonment is
22 served by reason thereof, the time spent in a jail, halfway house, honor center, workhouse, or
23 other institution as a detention condition of parole, probation, or conditional release shall be
24 credited against the prison or jail term served for the offense in connection with which the
25 detention was imposed.

26 6. ~~[The division shall reimburse the county jail or other institution for the costs of~~
27 ~~detention under this section at a rate determined by the department of corrections, which shall~~
28 ~~be at least thirty dollars per day per offender and subject to appropriation of funds by the general~~
29 ~~assembly. Prior to ordering the offender to submit to the period of detention under subsection~~
30 ~~1 of this section, the probation and parole officer shall certify to the county jail or institution that~~
31 ~~the division has sufficient funds to provide reimbursement for the costs of the period of~~
32 ~~detention.]~~ A jail or other institution may refuse to detain an offender under this section if funds
33 are not available to provide ~~[reimbursement]~~ **detention** or if there is inadequate space in the
34 facility for the offender.

35 7. Upon successful completion of the period of detention under this section, the court
36 or board may not revoke the term of parole, probation, or conditional release or impose
37 additional periods of detention for the same incident unless new or additional information is
38 discovered that was unknown to the division when the period of detention was imposed and
39 indicates that the offender was involved in the commission of a crime. If the offender fails to
40 complete the period of detention or new or additional information is discovered that the incident
41 involved a crime, the offender may be arrested under sections 217.720 and 217.722.

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

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

12 changed. It shall then be the duty of the clerk of the court in which the case was determined to
 13 include in the bill of cost against the state all fees which are properly chargeable to the state. In
 14 any city not within a county it shall be the duty of the superintendent of any facility boarding
 15 prisoners to certify to the chief executive officer of such city not within a county the total number
 16 of days any prisoner who was a party in such case remained in such facility. It shall be the duty
 17 of the superintendents of such facilities to supply the cost per diem to the chief executive officer
 18 on the first day of each year, and thereafter whenever the amount may be changed. It shall be
 19 the duty of the chief executive officer to bill the state all fees for boarding such prisoners which
 20 are properly chargeable to the state. The chief executive may by notification to the department
 21 of corrections delegate such responsibility to another duly sworn official of such city not within
 22 a county. The clerk of the court of any city not within a county shall not include such fees in the
 23 bill of costs chargeable to the state. The department of corrections shall revise its criminal cost
 24 manual in accordance with this provision.] **The state shall provide payment to counties on a**
 25 **quarterly basis. Payment to a county shall be calculated as follows: the individual county**
 26 **rate divided by the state total, and multiplied by the total amount appropriated across all**
 27 **counties in the previous fiscal year.**

28 **3. For the purpose of subsection 2 of this section, the following terms shall mean:**
 29 **(1) "Individual county rate", the product of the given county's five-year average**
 30 **violent crime rate and such county's population;**

31 **(2) "State total", the sum of all counties' individual county rate.**

32 [~~3. Except as provided under subsection 6 of section 217.718,]~~ **4. The actual costs**
 33 **chargeable to the state, including those incurred for a prisoner who is incarcerated in the county**
 34 **jail because the prisoner's parole or probation has been revoked or because the prisoner has, or**
 35 **allegedly has, violated any condition of the prisoner's parole or probation, and such parole or**
 36 **probation is a consequence of a violation of a state statute, or the prisoner is a fugitive from the**
 37 **Missouri department of corrections or otherwise held at the request of the Missouri department**
 38 **of corrections regardless of whether or not a warrant has been issued shall [be the actual cost of**
 39 **incarceration not to exceed:**

40 ~~—— (1) Until July 1, 1996, seventeen dollars per day per prisoner;~~

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

42 ~~—— (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per~~
 43 ~~prisoner, subject to appropriations, but not less than the amount appropriated in the previous~~
 44 ~~fiscal year] **not exceed the quarterly payment for that fiscal year.**~~

Section B. The provisions of section A of this act shall become effective January 1,
 2 2019.

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