

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill Nos. 53 & 60, Page 20, Section 211.012, Line 4, by inserting after all of said section and  
3 line the following:  
4

5 "211.072. 1. A juvenile, under the age of eighteen, who has been certified to stand trial as  
6 an adult for offenses pursuant to section 211.071, if currently placed in a secure juvenile detention  
7 facility, shall remain in a secure juvenile detention facility, pending finalization of the judgment and  
8 completion of appeal, if any, of the judgment dismissing the juvenile petition to allow for  
9 prosecution under the general law unless otherwise ordered by the juvenile court. Upon the  
10 judgment dismissing the petition to allow prosecution under the general laws becoming final, and  
11 adult charges being filed, if the juvenile is currently in a secure juvenile detention facility, the  
12 juvenile shall remain in such facility unless the juvenile posts bond or the juvenile is transferred to  
13 an adult jail. If the juvenile officer does not believe detention would be the appropriate placement  
14 or would continue to serve as the appropriate placement, the juvenile officer may file a motion in the  
15 adult criminal case, requesting that the juvenile be transferred from a secure juvenile detention  
16 facility to an adult jail. The court shall hear evidence relating to the appropriateness of the juvenile  
17 remaining in a secure juvenile detention facility or being transferred to an adult jail. At said  
18 hearing, the following shall have the right to be present and have the opportunity to present evidence  
19 and recommendations at such hearing: the juvenile; the juvenile's parents; the juvenile's counsel, the  
20 prosecuting attorney, the juvenile officer or their designee for the circuit in which the juvenile was  
21 certified; the juvenile officer or their designee for the circuit in which the pre-trial certified juvenile  
22 is proposed to be held, if different, counsel for the juvenile officer, and representatives of the county  
23 proposed to have custody of the pre-trial certified juvenile.

24 2. Following said hearing, the court shall order that the juvenile continue to be held in a  
25 secure juvenile detention facility subject to all Missouri juvenile detention standards or shall order  
26 that the pre-trial certified juvenile be held in an adult jail, but only after the court has made findings  
27 that it would be in the best interest of justice to move the pre-trial certified juvenile to an adult jail.  
28 The court shall weigh the following factors when deciding whether to detain a certified juvenile in  
29 an adult facility:

- 30 (1) The certified juvenile's age;  
31 (2) The certified juvenile's physical and mental maturity;  
32 (3) The certified juvenile's present mental state, including whether they present an imminent  
33 risk of self-harm;  
34 (4) The nature and circumstances of the charges;  
35 (5) The certified juvenile's history of delinquency;  
36 (6) The relative ability of the available adult and juvenile facilities to both meet the needs of

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 the certified juvenile but to protect the public and other youth in their custody;

2 (7) The opinion of the juvenile officer in the circuit of the proposed placement as to the  
3 ability of that juvenile detention facility to provide for appropriate care, custody, and control of the  
4 pre-trial certified juvenile;

5 (8) Any other relevant factor.

6 3. In the event the court finds that it is in the best interest of justice to require the certified  
7 juvenile to be held in an adult jail, the court shall hold a hearing once every thirty days to determine  
8 whether the placement of the certified juvenile in an adult jail is still in the best interests of justice.

9 4. A certified juvenile cannot be held in an adult jail for more than one hundred eighty days  
10 unless the court finds, for good cause, that an extension is necessary or the juvenile, through  
11 counsel, waives the one hundred eighty day maximum period.

12 5. Effective December 21, 2021, all previously pre-trial, certified juveniles, under the age of  
13 eighteen, who had been certified prior to August 28, 2021, shall be transferred from adult jail to a  
14 secure juvenile detention facility, unless a hearing is held and the court finds, based upon the factors  
15 in subsection 2 of this section, that it would be in the best interest of justice to keep the juvenile in  
16 the adult jail.

17 6. All pre-trial, certified juveniles, under the age of eighteen years, who are held in adult  
18 jails pursuant to the best interest of justice exception shall continue to be subject to the protections  
19 of the Prison Rape Elimination Act (PREA) and shall be physically separated from adult inmates.

20 7. If the certified juvenile remains in juvenile detention, the juvenile officer may file a  
21 motion to reconsider placement. The court shall consider the factors set out in subsection 2 of this  
22 section and the individuals set forth in subsection 1 of this section shall have a right to be present  
23 and present evidence. The court may amend its earlier order in light of the evidence and arguments  
24 presented at the hearing if the court finds that it would not be in the best interest of justice for the  
25 juvenile to remain in a secure juvenile detention facility.

26 8. Issues related to the setting of, and posting of, bond along with any bond forfeiture  
27 proceedings shall be held in the pre-trial certified juvenile's adult criminal case.

28 9. Upon attaining age of eighteen years or upon conviction on the adult charges, the juvenile  
29 shall be transferred from juvenile detention to the appropriate adult facility.

30 10. Any responsibility for transportation of and contracted service for the certified juvenile  
31 who remains in a secure juvenile detention facility shall be handled in the same manner as in all  
32 other adult criminal cases where the defendant is in custody.

33 11. The per diem provisions as set forth in section 211.156 shall apply to certified juveniles  
34 who are being held in a secure juvenile detention facility."; and

35  
36 Further amend said bill by amending the title, enacting clause, and intersectional references  
37 accordingly.