

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 3, Section 21.405, Line 20, by inserting after said line the following:

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4 "3. Nothing in this section shall be construed to deprive any person of any right, privilege,  
5 or immunity guaranteed by the Constitution of the United States or the constitution of Missouri.";  
6 and

7  
8 Further amend said bill, Page 11, Section 210.143, Line 2, by deleting the phrase "or prosecuting  
9 attorney" and inserting in lieu thereof the phrase "prosecuting attorney; or circuit attorney"; and

10  
11 Further amend said bill, Page 16, Section 210.1256, Line 5, by inserting after word "children" the  
12 words "of the parents or guardians"; and

13  
14 Further amend said bill, Page 18, Section 210.1271, Line 2, by inserting after first instance of the  
15 word "attorney" the phrase "or circuit attorney"; and

16  
17 Further amend said bill, Page 20, Section 211.012, Line 4, by inserting after all of said section and  
18 line the following:

19  
20 "211.072. 1. A juvenile under eighteen years of age who has been certified to stand trial as  
21 an adult for offenses pursuant to section 211.071, if currently placed in a secure juvenile detention  
22 facility, shall remain in a secure juvenile detention facility pending finalization of the judgment and  
23 completion of appeal, if any, of the judgment dismissing the juvenile petition to allow for  
24 prosecution under the general law unless otherwise ordered by the juvenile court. Upon the  
25 judgment dismissing the petition to allow prosecution under the general laws becoming final and  
26 adult charges being filed, if the juvenile is currently in a secure juvenile detention facility, the  
27 juvenile shall remain in such facility unless the juvenile posts bond or the juvenile is transferred to  
28 an adult jail. If the juvenile officer does not believe juvenile detention would be the appropriate  
29 placement or would continue to serve as the appropriate placement, the juvenile officer may file a  
30 motion in the adult criminal case requesting that the juvenile be transferred from a secure juvenile  
31 detention facility to an adult jail. The court shall hear evidence relating to the appropriateness of the  
32 juvenile remaining in a secure juvenile detention facility or being transferred to an adult jail. At  
33 such hearing, the following shall have the right to be present and have the opportunity to present  
34 evidence and recommendations at such hearing: the juvenile; the juvenile's parents; the juvenile's  
35 counsel; the prosecuting attorney; the juvenile officer or his or her designee for the circuit in which  
36 the juvenile was certified; the juvenile officer or his or her designee for the circuit in which the pre-

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1 trial certified juvenile is proposed to be held, if different from the circuit in which the juvenile was  
2 certified; counsel for the juvenile officer; and representatives of the county proposed to have  
3 custody of the pre-trial certified juvenile.

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

10 (1) The certified juvenile's age;

11 (2) The certified juvenile's physical and mental maturity;

12 (3) The certified juvenile's present mental state, including whether they present an imminent  
13 risk of self-harm;

14 (4) The nature and circumstances of the charges;

15 (5) The certified juvenile's history of delinquency;

16 (6) The relative ability of the available adult and juvenile facilities to both meet the needs of  
17 the certified juvenile but to protect the public and other youth in their custody;

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

21 (8) Any other relevant factor.

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

25 4. A certified juvenile cannot be held in an adult jail for more than one hundred eighty days  
26 unless the court finds, for good cause, that an extension is necessary or the juvenile, through  
27 counsel, waives the one hundred eighty day maximum period. If no extension is granted under this  
28 subsection, the certified juvenile shall be transferred from the adult jail to a secure juvenile  
29 detention facility.

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

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

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

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

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

48 10. Any responsibility for transportation of and contracted service for the certified juvenile  
49 who remains in a secure juvenile detention facility shall be handled in the same manner as in all

1 other adult criminal cases where the defendant is in custody.

2 11. The per diem provisions as set forth in section 211.156 shall apply to certified juveniles  
3 who are being held in a secure juvenile detention facility."; and  
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5 Further amend said bill, Page 25, Section 211.211, Line 43, by deleting said line and inserting in lieu  
6 thereof the following:  
7

8 "(1) At any contested detention hearing under Missouri supreme court rule 127.08 where the  
9 petitioner alleges that the child violated any law that, if committed by an adult, would be a felony  
10 unless an"; and  
11

12 Further amend said bill, Page 63, Section 479.162, Lines 4-5, by deleting the phrase "police report  
13 or probable cause statement" and inserting in lieu thereof the phrase "police report, probable cause  
14 statement, or any video relevant to the traffic stop or arrest"; and  
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16 Further amend said bill, page, and section, Line 5, by deleting the phrase "police report or probable  
17 cause statement" and inserting in lieu thereof the phrase "police report, probable cause statement, or  
18 video"; and  
19

20 Further amend said bill by amending the title, enacting clause, and intersectional references  
21 accordingly.