

SECOND REGULAR SESSION

# HOUSE BILL NO. 2195

## 97TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES CURTIS (Sponsor), PETERS AND DUNN (Co-sponsors).

6438L.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To repeal section 219.041, RSMo, and to enact in lieu thereof one new section relating to the municipal court youth intervention programs.

---

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

Section A. Section 219.041, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 219.041, to read as follows:

219.041. 1. To encourage the development of community based treatment services, the director is hereby authorized to administer an incentive subsidy program to assist local units of government in the development, implementation, and operation of community based treatment programs including, but not limited to, preventive or diversionary programs, probation services, community based treatment centers, and facilities for the detention, confinement, care and treatment of children under the purview of chapter 211.

2. The director shall, pursuant to the administrative procedures act, chapter 536, promulgate rules establishing standards of eligibility for local units of government to receive funds under sections 219.011 to 219.086. Rule and regulation making power shall be subject to the provisions of section 219.016, subsection 6.

3. In determining the purposes for which funds will be expended by the juvenile court judge, [he] **the director** shall appoint an advisory committee representative of the county's population. The committee shall actively participate in the formulation of plans for the proper expenditure of funds and shall cooperate and assist in the implementation of these plans. Members of the advisory committee shall receive no compensation.

4. The juvenile court judge shall submit to the director a written report containing a program description, method of implementation, and budget of all projects proposed to be funded

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.

18 under this provision. Upon approval of this report by the director, the county shall be eligible  
19 to receive subsidy.

20 5. The director shall visit or cause to be visited each program and facility funded by this  
21 provision, the purpose of such visits to be the examination of facilities, programs, books, and  
22 records. [He] **The director** shall make written recommendations for needed changes or  
23 improvements.

24 6. When the director shall determine that there are reasonable grounds to believe that a  
25 county is not in compliance with the operating standards established pursuant to subsection 2 of  
26 this section, at least thirty days' notice shall be given the county and a hearing shall be held to  
27 ascertain whether progress has been made toward compliance. The director may suspend all or  
28 a portion of any subsidy until the required standard of operation has been met.

29 7. Any county may purchase selected services from the division by contract as provided  
30 in sections 219.011 to 219.086. The director shall annually determine the costs of providing  
31 such services and all charges shall be deducted from the subsidy due and payable to the county  
32 concerned, provided that no contract shall exceed in cost the amount of subsidy to which the  
33 participating county is eligible.

34 8. Participating counties shall not diminish or reduce their level of spending for juvenile  
35 correctional programs in order to remain eligible to receive subsidy for the specific program  
36 being subsidized.

37 **9. (1) To encourage municipal courts to utilize community early intervention**  
38 **programs designed to keep youth out of the formal justice system while retaining control**  
39 **over youth status offenders and law offenders in noncustodial settings, the division shall**  
40 **collaborate and share information with, and provide any technical assistance to municipal**  
41 **courts in this state in utilizing available community resources and programs for placement**  
42 **of youth status offenders and law violators. Such programs shall include:**

43 (a) **Mental health counseling services;**

44 (b) **Drug counseling services;**

45 (c) **Community service options, including opportunities for youth to earn moneys**  
46 **while performing community service to pay any fines or restitution;**

47 (d) **Educational and learning evaluations and resources; and**

48 (e) **Other services and activities designed to address the factors contributing to**  
49 **youth status offenses and law violations in a community by providing early intervention**  
50 **services and resources for youth offenders.**

51 **(2) Any municipal court in this state may request assistance from the division under**  
52 **this subsection. Upon such request, the division shall provide assistance to the municipal**  
53 **court in identifying programs and resources available in the community and sharing**

54 **information on effective programs and resources based on the division's experience with**  
55 **the incentive subsidy program established under this section.**

56 **(3) The division may promulgate rules to implement the provisions of this**  
57 **subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that**  
58 **is created under the authority delegated in this section shall become effective only if it**  
59 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
60 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
61 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
62 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
63 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2014,**  
64 **shall be invalid and void.**

✓