

FIRST REGULAR SESSION

HOUSE BILL NO. 845

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WHITE.

1990H.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 the cost of incarcerating a prisoner.

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Section A. Sections 217.718 and 221.105, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 217.718 and 221.105, to read as follows: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 217.720, 217.722, and 559.036, and if the court has not otherwise required detention to be a condition of probation under section 559.026, a probation or parole officer may order an offender to submit to a period of detention in the county jail, or other appropriate institution, upon a determination by a probation or parole officer that the offender has violated a condition of continued probation or parole.

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

3. The officer shall present the offender with a written report detailing in what manner the offender has violated the conditions of parole, probation, or conditional release and advise the offender of the right to a hearing before the court or board prior to the period of detention. The division shall file a copy of the violation report with the sentencing court or board after the imposition of the period of detention and within a reasonable period of time that is consistent 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] **as determined under subsection 3 of section 221.105**. Prior to ordering the offender
30 to submit to the period of detention under subsection 1 of this section, the probation and parole
31 officer shall certify to the county jail or institution that the division has sufficient funds to
32 provide reimbursement for the costs of the period of detention. A jail or other institution may
33 refuse to detain an offender under this section if funds are not available to provide
34 reimbursement or if there is inadequate space in the 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.

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

33 (1) Until July 1, 1996, seventeen dollars per day per prisoner;

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

35 (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per
36 prisoner, subject to appropriations, but not less than the amount appropriated in the previous
37 fiscal year] **and shall be reimbursed without regard to the final disposition of the prisoner's**
38 **alleged violation.**

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