

SECOND REGULAR SESSION

HOUSE BILL NO. 1642

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HICKS.

4921H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 211.073, RSMo, and to enact in lieu thereof one new section relating to requirements of the court in certain juvenile criminal cases.

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

Section A. Section 211.073, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 211.073, to read as follows:

211.073. 1. [The court shall,] In a case when the offender is under seventeen years and six months of age and has been transferred to a court of general jurisdiction pursuant to section 211.071, and whose prosecution results in a conviction or a plea of guilty, [consider] **the court shall order an evaluation by the division of youth services to determine whether** dual jurisdiction of both the criminal and juvenile codes, as set forth in this section, **is appropriate for the offender**. The court is authorized to impose a juvenile disposition under this chapter and simultaneously impose an adult criminal sentence, the execution of which shall be suspended pursuant to the provisions of this section. Successful completion of the juvenile disposition ordered shall be a condition of the suspended adult criminal sentence. The court may order an offender into the custody of the division of youth services pursuant to this section:

(1) Upon agreement of the division of youth services; and

(2) If the division of youth services determines that there is space available in a facility designed to serve offenders sentenced under this section.

If the division of youth services agrees to accept a youth and the court does not impose a juvenile disposition, the court shall make findings on the record as to why the division of youth services was not appropriate for the offender prior to imposing the adult criminal sentence.

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 2. If there is probable cause to believe that the offender has violated a condition of the
19 suspended sentence or committed a new offense, the court shall conduct a hearing on the
20 violation charged, unless the offender waives such hearing. If the violation is established and
21 found the court may continue or revoke the juvenile disposition, impose the adult criminal
22 sentence, or enter such other order as it may see fit.

23 3. When an offender has received a suspended sentence pursuant to this section and the
24 division determines the child is beyond the scope of its treatment programs, the division of youth
25 services may petition the court for a transfer of custody of the offender. The court shall hold a
26 hearing and shall:

27 (1) Revoke the suspension and direct that the offender be taken into immediate custody
28 of the department of corrections; or

29 (2) Direct that the offender be placed on probation.

30 4. When an offender who has received a suspended sentence reaches the age of
31 seventeen, the court shall hold a hearing. The court shall:

32 (1) Revoke the suspension and direct that the offender be taken into immediate custody
33 of the department of corrections;

34 (2) Direct that the offender be placed on probation; or

35 (3) Direct that the offender remain in the custody of the division of youth services if the
36 division agrees to such placement.

37 5. The division of youth services shall petition the court for a hearing before it releases
38 an offender who comes within subsection 1 of this section at any time before the offender
39 reaches the age of twenty-one years. The court shall:

40 (1) Revoke the suspension and direct that the offender be taken into immediate custody
41 of the department of corrections; or

42 (2) Direct that the offender be placed on probation.

43 6. If the suspension of the adult criminal sentence is revoked, all time served by the
44 offender under the juvenile disposition shall be credited toward the adult criminal sentence
45 imposed.

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