

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

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

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2,  
2 Section 84.400, Line 14, by inserting after all of said line the following:

3  
4 "211.012. For purposes of this chapter, section 221.044, and the original jurisdiction of the  
5 juvenile court, a person shall not be considered a child if, at the time the alleged offense or violation  
6 was committed, the person was considered an adult according to then-existing law.

7 211.181. 1. When a child is found by the court to come within the applicable provisions of  
8 subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of  
9 fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered,  
10 proceed as follows:

11 (1) Place the child under supervision in his or her own home or in the custody of a relative  
12 or other suitable person after the court or a public agency or institution designated by the court  
13 conducts an investigation of the home, relative or person and finds such home, relative or person to  
14 be suitable and upon such conditions as the court may require;

15 (2) Commit the child to the custody of:

16 (a) A public agency or institution authorized by law to care for children or to place them in  
17 family homes; except that, such child may not be committed to the department of social services,  
18 division of youth services;

19 (b) Any other institution or agency which is authorized or licensed by law to care for  
20 children or to place them in family homes;

21 (c) An association, school or institution willing to receive the child in another state if the  
22 approval of the agency in that state which administers the laws relating to importation of children  
23 into the state has been secured; or

24 (d) The juvenile officer;

25 (3) Place the child in a family home;

26 (4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist  
27 and when the health or condition of the child requires it, cause the child to be placed in a public or  
28 private hospital, clinic or institution for treatment and care; except that, nothing contained herein  
29 authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose  
30 parents or guardian in good faith are providing other remedial treatment recognized or permitted  
31 under the laws of this state;

32 (5) The court may order, pursuant to subsection 2 of section 211.081, that the child receive  
33 the necessary services in the least restrictive appropriate environment including home and  
34 community-based services, treatment and support, based on a coordinated, individualized treatment  
35 plan. The individualized treatment plan shall be approved by the court and developed by the  
36 applicable state agencies responsible for providing or paying for any and all appropriate and

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1 necessary services, subject to appropriation, and shall include which agencies are going to pay for  
2 and provide such services. Such plan must be submitted to the court within thirty days and the  
3 child's family shall actively participate in designing the service plan for the child;

4 (6) The department of social services, in conjunction with the department of mental health,  
5 shall apply to the United States Department of Health and Human Services for such federal waivers  
6 as required to provide services for such children, including the acquisition of community-based  
7 services waivers.

8 2. When a child is found by the court to come within the provisions of subdivision (2) of  
9 subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon  
10 which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as  
11 follows:

12 (1) Place the child under supervision in his or her own home or in custody of a relative or  
13 other suitable person after the court or a public agency or institution designated by the court  
14 conducts an investigation of the home, relative or person and finds such home, relative or person to  
15 be suitable and upon such conditions as the court may require;

16 (2) Commit the child to the custody of:

17 (a) A public agency or institution authorized by law to care for children or place them in  
18 family homes; except that, a child may be committed to the department of social services, division  
19 of youth services, only if he or she is presently under the court's supervision after an adjudication  
20 under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

21 (b) Any other institution or agency which is authorized or licensed by law to care for  
22 children or to place them in family homes;

23 (c) An association, school or institution willing to receive it in another state if the approval  
24 of the agency in that state which administers the laws relating to importation of children into the  
25 state has been secured; or

26 (d) The juvenile officer;

27 (3) Place the child in a family home;

28 (4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist  
29 and when the health or condition of the child requires it, cause the child to be placed in a public or  
30 private hospital, clinic or institution for treatment and care; except that, nothing contained herein  
31 authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose  
32 parents or guardian in good faith are providing other remedial treatment recognized or permitted  
33 under the laws of this state;

34 (5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.  
35

36 Execution of any order entered by the court pursuant to this subsection, including a commitment to  
37 any state agency, may be suspended and the child placed on probation subject to such conditions as  
38 the court deems reasonable. After a hearing, probation may be revoked and the suspended order  
39 executed.

40 3. When a child is found by the court to come within the provisions of subdivision (3) of  
41 subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it  
42 exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as  
43 follows:

44 (1) Place the child under supervision in his or her own home or in custody of a relative or  
45 other suitable person after the court or a public agency or institution designated by the court  
46 conducts an investigation of the home, relative or person and finds such home, relative or person to  
47 be suitable and upon such conditions as the court may require; provided that, no child who has been  
48 adjudicated a delinquent by a juvenile court for committing or attempting to commit a sex-related  
49 offense which if committed by an adult would be considered a felony offense pursuant to chapter

1 566, including but not limited to rape, forcible sodomy, child molestation, and sexual abuse, and in  
2 which the victim was a child, shall be placed in any residence within one thousand feet of the  
3 residence of the abused child of that offense until the abused child reaches the age of eighteen, and  
4 provided further that the provisions of this subdivision regarding placement within one thousand  
5 feet of the abused child shall not apply when the abusing child and the abused child are siblings or  
6 children living in the same home;

7 (2) Commit the child to the custody of:

8 (a) A public agency or institution authorized by law to care for children or to place them in  
9 family homes;

10 (b) Any other institution or agency which is authorized or licensed by law to care for  
11 children or to place them in family homes;

12 (c) An association, school or institution willing to receive it in another state if the approval  
13 of the agency in that state which administers the laws relating to importation of children into the  
14 state has been secured; or

15 (d) The juvenile officer;

16 (3) Beginning January 1, 1996, the court may make further directions as to placement with  
17 the division of youth services concerning the child's length of stay. The length of stay order may set  
18 forth a minimum review date;

19 (4) Place the child in a family home;

20 (5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist  
21 and when the health or condition of the child requires it, cause the child to be placed in a public or  
22 private hospital, clinic or institution for treatment and care; except that, nothing contained herein  
23 authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose  
24 parents or guardian in good faith are providing other remedial treatment recognized or permitted  
25 under the laws of this state;

26 (6) Suspend or revoke a state or local license or authority of a child to operate a motor  
27 vehicle;

28 (7) Order the child to make restitution or reparation for the damage or loss caused by his or  
29 her offense. In determining the amount or extent of the damage, the court may order the juvenile  
30 officer to prepare a report and may receive other evidence necessary for such determination. The  
31 child and his or her attorney shall have access to any reports which may be prepared, and shall have  
32 the right to present evidence at any hearing held to ascertain the amount of damages. Any  
33 restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or  
34 to perform the reparation. The court may require the clerk of the circuit court to act as receiving and  
35 disbursing agent for any payment ordered;

36 (8) Order the child to a term of community service under the supervision of the court or of  
37 an organization selected by the court. Every person, organization, and agency, and each employee  
38 thereof, charged with the supervision of a child under this subdivision, or who benefits from any  
39 services performed as a result of an order issued under this subdivision, shall be immune from any  
40 suit by the child ordered to perform services under this subdivision, or any person deriving a cause  
41 of action from such child, if such cause of action arises from the supervision of the child's  
42 performance of services under this subdivision and if such cause of action does not arise from an  
43 intentional tort. A child ordered to perform services under this subdivision shall not be deemed an  
44 employee within the meaning of the provisions of chapter 287, nor shall the services of such child  
45 be deemed employment within the meaning of the provisions of chapter 288. Execution of any  
46 order entered by the court, including a commitment to any state agency, may be suspended and the  
47 child placed on probation subject to such conditions as the court deems reasonable. After a hearing,  
48 probation may be revoked and the suspended order executed;

49 (9) When a child has been adjudicated to have violated a municipal ordinance or to have

committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court.

4. Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the division of youth services. No court order shall require a child to remain in the custody of the division of youth services for a period which exceeds the child's ~~[eighteenth]~~ nineteenth birth date except upon petition filed by the division of youth services pursuant to subsection 1 of section 219.021. In any order of commitment of a child to the custody of the division of youth services, the division shall determine the appropriate program or placement pursuant to subsection 3 of section 219.021. Beginning January 1, 1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The division may discharge the child from the division of youth services without a further court order after the child completes the length of stay determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When an assessment has been imposed under the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185.

211.435. 1. ~~[There is hereby created in the state treasury the]~~ A "Juvenile Justice Preservation Fund" ~~[-which]~~ is hereby established in each county's circuit court for the purpose of implementing and maintaining the expansion of juvenile court jurisdiction to eighteen years of age. The fund shall consist of moneys collected under subsection 2 of this section and sections 488.315 and 558.003, any gifts, bequests, and donations, and any other moneys appropriated by the general assembly. [The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be distributed to the judicial circuits of the state based upon the increased workload created by sections 211.021 to 211.425 solely for the administration of the juvenile justice system. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The provisions of this subsection shall expire on August 28, 2024.]

2. For all traffic violations of any county ordinance or any violation of traffic laws of this state, including an infraction, in which a person has pled guilty, there shall be assessed as costs a surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. Such surcharge shall be collected and disbursed by the clerk of the court as provided by sections 488.010 to 488.020. The surcharge collected under this section shall be ~~[paid into the state treasury to the credit of the]~~ payable to the county circuit court juvenile justice preservation fund created in this section. [The provisions of this subsection shall expire if the provisions of subsection 1 of this section expire.] Funds held by the state treasurer in the state juvenile justice preservation fund shall be payable and revert to the circuit court's juvenile justice preservation fund in the county of

1 origination.

2 3. Expenditures from the county circuit court juvenile justice preservation fund shall be  
 3 made at the discretion of the juvenile office for the circuit court and shall be used for the sole  
 4 purpose of implementing and maintaining the expansion of juvenile court jurisdiction.

5 4. No moneys deposited in the juvenile justice preservation fund shall be expended for  
 6 capital improvements.

7 5. To further promote the best interests of the children of the state of Missouri, moneys in  
 8 the juvenile justice preservation fund shall not be used to replace or reduce the responsibilities of  
 9 either the counties or the state to provide funding for existing and new juvenile treatment services as  
 10 provided in this chapter and chapter 210 or funding as otherwise required by law.

11 485.060. 1. Each court reporter for a circuit judge shall receive an annual salary of twenty-  
 12 six thousand nine hundred dollars beginning January 1, 1985, until December 31, 1985, and  
 13 beginning January 1, 1986, an annual salary of thirty thousand dollars.

14 2. Such annual salary shall be modified by any salary adjustment provided by section  
 15 476.405[5].

16 3. Beginning January 1, 2022, the annual salary, as modified under section 476.405, shall be  
 17 adjusted upon meeting the minimum number of cumulative years of service as a court reporter with  
 18 a circuit court of this state by the following schedule:

19 (1) For each court reporter with zero to five years of service: the annual salary shall be  
 20 increased only by any salary adjustment provided by section 476.405;

21 (2) For each court reporter with six to ten years of service: the annual salary shall be  
 22 increased by five and one-quarter percent;

23 (3) For each court reporter with eleven to fifteen years of service: the annual salary shall be  
 24 increased by eight and one-quarter percent;

25 (4) For each court reporter with sixteen to twenty years of service: the annual salary shall  
 26 be increased by eight and one-half percent; or

27 (5) For each court reporter with twenty-one or more years of service: the annual salary shall  
 28 be increased by eight and three-quarters percent.

29  
 30 A court reporter may receive multiple adjustments under this subsection as his or her cumulative  
 31 years of service increase, but only one percentage listed in subdivisions (1) to (5) of this subsection  
 32 shall apply to the annual salary at a time.

33 4. Salaries shall be payable in equal monthly installments on the certification of the judge of  
 34 the court or division in whose court the reporter is employed. [When] If paid by the state, the  
 35 salaries of such court reporters shall be paid in semimonthly or monthly installments, as designated  
 36 by the commissioner of administration."; and

37  
 38 Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after all of said line the  
 39 following:

40  
 41 ~~"[211.438. Expanding services from seventeen years of age to eighteen years~~  
 42 ~~of age is a new service and shall not be effective until an appropriation~~  
 43 ~~sufficient to fund the expanded service is provided therefor.]~~  
 44

45 [211.439. The repeal and reenactment of sections 211.021, 211.031, 211.032,  
 46 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101,  
 47 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, and 221.044 shall  
 48 become effective on January 1, 2021.]

1

2           Section B. Because immediate action is necessary to expand services from seventeen years  
3 of age to eighteen years of age, the enactment of section 211.012, the repeal and reenactment of  
4 sections 211.181 and 211.435, and the repeal of sections 211.438 and 211.439 of section A of this  
5 act are deemed necessary for the immediate preservation of the public health, welfare, peace, and  
6 safety, and are hereby declared to be an emergency act within the meaning of the constitution, and  
7 the enactment of section 211.012, the repeal and reenactment of sections 211.181 and 211.435, and  
8 the repeal of sections 211.438 and 211.439 of section A of this act shall be in full force and effect  
9 upon its passage and approval."; and

10

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