

FIRST REGULAR SESSION  
[PERFECTED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1242**  
**101ST GENERAL ASSEMBLY**

1759H.02P

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 211.181, 211.435, 211.438, 211.439, and 485.060, RSMo, and to enact in lieu thereof four new sections relating to court proceedings, with an emergency clause.

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

Section A. Sections 211.181, 211.435, 211.438, 211.439, and 485.060, RSMo, are  
2 repealed and four new sections enacted in lieu thereof, to be known as sections 211.012,  
3 211.181, 211.435, and 485.060, to read as follows:

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

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

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

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

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

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.

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

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

18 (d) The juvenile officer;

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

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

26 (5) The court may order, pursuant to subsection 2 of section 211.081, that the child  
27 receive the necessary services in the least restrictive appropriate environment including home  
28 and community-based services, treatment and support, based on a coordinated, individualized  
29 treatment plan. The individualized treatment plan shall be approved by the court and developed  
30 by the applicable state agencies responsible for providing or paying for any and all appropriate  
31 and necessary services, subject to appropriation, and shall include which agencies are going to  
32 pay for and provide such services. Such plan must be submitted to the court within thirty days  
33 and the child's family shall actively participate in designing the service plan for the child;

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

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

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

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

47 (a) A public agency or institution authorized by law to care for children or place them  
48 in family homes; except that, a child may be committed to the department of social services,

49 division of youth services, only if he or she is presently under the court's supervision after an  
50 adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

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

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

56 (d) The juvenile officer;

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

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

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

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

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

74 (1) Place the child under supervision in his or her own home or in custody of a relative  
75 or other suitable person after the court or a public agency or institution designated by the court  
76 conducts an investigation of the home, relative or person and finds such home, relative or person  
77 to be suitable and upon such conditions as the court may require; provided that, no child who has  
78 been adjudicated a delinquent by a juvenile court for committing or attempting to commit a  
79 sex-related offense which if committed by an adult would be considered a felony offense  
80 pursuant to chapter 566, including but not limited to rape, forcible sodomy, child molestation,  
81 and sexual abuse, and in which the victim was a child, shall be placed in any residence within  
82 one thousand feet of the residence of the abused child of that offense until the abused child  
83 reaches the age of eighteen, and provided further that the provisions of this subdivision regarding

84 placement within one thousand feet of the abused child shall not apply when the abusing child  
85 and the abused child are siblings or children living in the same home;

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

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

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

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

94 (d) The juvenile officer;

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

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

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

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

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

115 (8) Order the child to a term of community service under the supervision of the court or  
116 of an organization selected by the court. Every person, organization, and agency, and each  
117 employee thereof, charged with the supervision of a child under this subdivision, or who benefits  
118 from any services performed as a result of an order issued under this subdivision, shall be  
119 immune from any suit by the child ordered to perform services under this subdivision, or any

120 person deriving a cause of action from such child, if such cause of action arises from the  
121 supervision of the child's performance of services under this subdivision and if such cause of  
122 action does not arise from an intentional tort. A child ordered to perform services under this  
123 subdivision shall not be deemed an employee within the meaning of the provisions of chapter  
124 287, nor shall the services of such child be deemed employment within the meaning of the  
125 provisions of chapter 288. Execution of any order entered by the court, including a commitment  
126 to any state agency, may be suspended and the child placed on probation subject to such  
127 conditions as the court deems reasonable. After a hearing, probation may be revoked and the  
128 suspended order executed;

129 (9) When a child has been adjudicated to have violated a municipal ordinance or to have  
130 committed an act that would be a misdemeanor if committed by an adult, assess an amount of  
131 up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been  
132 adjudicated to have committed an act that would be a felony if committed by an adult, assess an  
133 amount of up to fifty dollars to be paid by the child to the clerk of the court.

134 4. Beginning January 1, 1996, the court may set forth in the order of commitment the  
135 minimum period during which the child shall remain in the custody of the division of youth  
136 services. No court order shall require a child to remain in the custody of the division of youth  
137 services for a period which exceeds the child's ~~eighteenth~~ **nineteenth** birth date except upon  
138 petition filed by the division of youth services pursuant to subsection 1 of section 219.021. In  
139 any order of commitment of a child to the custody of the division of youth services, the division  
140 shall determine the appropriate program or placement pursuant to subsection 3 of section  
141 219.021. Beginning January 1, 1996, the department shall not discharge a child from the custody  
142 of the division of youth services before the child completes the length of stay determined by the  
143 court in the commitment order unless the committing court orders otherwise. The director of the  
144 division of youth services may at any time petition the court for a review of a child's length of  
145 stay commitment order, and the court may, upon a showing of good cause, order the early  
146 discharge of the child from the custody of the division of youth services. The division may  
147 discharge the child from the division of youth services without a further court order after the  
148 child completes the length of stay determined by the court or may retain the child for any period  
149 after the completion of the length of stay in accordance with the law.

150 5. When an assessment has been imposed under the provisions of subsection 2 or 3 of  
151 this section, the assessment shall be paid to the clerk of the court in the circuit where the  
152 assessment is imposed by court order, to be deposited in a fund established for the sole purpose  
153 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  
2 Preservation Fund"~~], which~~ **is hereby established in each county's circuit court for the**

3 **purpose of implementing and maintaining the expansion of juvenile court jurisdiction to**  
4 **eighteen years of age. The fund** shall consist of moneys collected under subsection 2 of this  
5 section and sections 488.315 and 558.003, any gifts, bequests, and donations, and any other  
6 moneys appropriated by the general assembly. ~~[The state treasurer shall be custodian of the fund.~~  
7 ~~In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements.~~  
8 ~~The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be~~  
9 ~~distributed to the judicial circuits of the state based upon the increased workload created by~~  
10 ~~sections 211.021 to 211.425 solely for the administration of the juvenile justice system.~~  
11 ~~Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the~~  
12 ~~fund at the end of the biennium shall not revert to the credit of the general revenue fund. The~~  
13 ~~state treasurer shall invest moneys in the fund in the same manner as other funds are invested.~~  
14 ~~Any interest and moneys earned on such investments shall be credited to the fund. The~~  
15 ~~provisions of this subsection shall expire on August 28, 2024.]~~

16 2. For all traffic violations of any county ordinance or any violation of traffic laws of this  
17 state, including an infraction, in which a person has pled guilty, there shall be assessed as costs  
18 a surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding  
19 involving a violation of an ordinance or state law when the proceeding or defendant has been  
20 dismissed by the court or when costs are to be paid by the state, county, or municipality. Such  
21 surcharge shall be collected and disbursed by the clerk of the court as provided by sections  
22 488.010 to 488.020. The surcharge collected under this section shall be ~~[paid into the state~~  
23 ~~treasury to the credit of the]~~ **payable to the county circuit court** juvenile justice preservation  
24 fund created in this section. ~~[The provisions of this subsection shall expire if the provisions of~~  
25 ~~subsection 1 of this section expire.]~~ **Funds held by the state treasurer in the state juvenile**  
26 **justice preservation fund shall be payable and revert to the circuit court's juvenile justice**  
27 **preservation fund in the county of origination.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section B. Because immediate action is necessary to expand services from seventeen years of age to eighteen years of age, the enactment of section 211.012, the repeal and

3 reenactment of sections 211.181 and 211.435, and the repeal of sections 211.438 and 211.439  
4 of section A of this act are deemed necessary for the immediate preservation of the public health,  
5 welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning  
6 of the constitution, and the enactment of section 211.012, the repeal and reenactment of sections  
7 211.181 and 211.435, and the repeal of sections 211.438 and 211.439 of section A of this act  
8 shall be in full force and effect upon its passage and approval.

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