

FIRST REGULAR SESSION

HOUSE BILL NO. 1377

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MERIDETH.

2541H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 221.105, RSMo, and to enact in lieu thereof one new section relating to incarceration costs.

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

Section A. Section 221.105, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 221.105, to read as follows:

221.105. 1. The governing body of any county and of any city not within a county shall fix the amount to be expended for the cost of incarceration of prisoners confined in jails or medium security institutions. The per diem cost of **post-conviction** incarceration of these prisoners chargeable by the law to the state shall be determined, subject to the review and approval of the department of corrections.

2. ~~[When]~~ **If** the final determination of any criminal prosecution shall be such as to render the state liable for **post-conviction** costs under existing laws, it shall be the duty of the sheriff to certify to the clerk of the circuit court or court of common pleas in which the case was determined the total number of days any prisoner who was a party in such case remained in the county jail. It shall be the duty of the county commission to supply the cost per diem for county prisons to the clerk of the circuit court on the first day of each year, and thereafter whenever the amount may be changed. It shall then be the duty of the clerk of the court in which the case was determined to include in the bill of cost against the state all fees which are properly chargeable to the state **for post-conviction incarceration**. In any city not within a county, it shall be the duty of the superintendent of any facility boarding prisoners to certify to the chief executive officer of such city not within a county the total number of days any prisoner who was a party in such case remained in such facility. It shall be the duty of the superintendents of such

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 facilities to supply the cost per diem to the chief executive officer on the first day of each year,
19 and thereafter whenever the amount may be changed. It shall be the duty of the chief executive
20 officer to bill the state all fees for boarding such prisoners ~~[which]~~ **after conviction that** are
21 properly chargeable to the state. The chief executive may by notification to the department of
22 corrections delegate such responsibility to another duly sworn official of such city not within a
23 county. The clerk of the court of any city not within a county shall not include such fees in the
24 bill of costs chargeable to the state. The department of corrections shall revise its criminal cost
25 manual in accordance with this provision.

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

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

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

36 (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per
37 prisoner, subject to appropriations, but not less than the amount appropriated in the previous
38 fiscal year.

39 4. The presiding judge of a judicial circuit may propose expenses to be reimbursable by
40 the state on behalf of one or more of the counties in that circuit. Proposed reimbursable expenses
41 may include pretrial assessment and supervision strategies for defendants who are ultimately
42 eligible for state incarceration. A county may not receive more than its share of the amount
43 appropriated in the previous fiscal year, inclusive of expenses proposed by the presiding judge.
44 Any county shall convey such proposal to the department, and any such proposal presented by
45 a presiding judge shall include the documented agreement with the proposal by the county
46 governing body, prosecuting attorney, at least one associate circuit judge, and the officer of the
47 county responsible for custody or incarceration of prisoners of the county represented in the
48 proposal. Any county that declines to convey a proposal to the department, pursuant to the
49 provisions of this subsection, shall receive its per diem cost of incarceration for all prisoners
50 chargeable to the state in accordance with the provisions of subsections 1, 2, and 3 of this
51 section.

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