

FIRST REGULAR SESSION

# HOUSE BILL NO. 1390

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SMITH (163).

2745H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 221.105, RSMo, and to enact in lieu thereof one new section relating to the department of corrections reimbursements to counties.

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*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Section A. Section 221.105, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 221.105, to read as follows: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 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 the final determination of any criminal prosecution shall be such as to render the state liable for 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. 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 facilities to supply the cost per diem to the chief executive officer

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 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 chargeable  
26 to the state, including those incurred for a prisoner who is incarcerated in the county jail because  
27 the prisoner's parole or probation has been revoked or because the prisoner has, or allegedly has,  
28 violated any condition of the prisoner's parole or probation, and such parole or probation is a  
29 consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri  
30 department of corrections or otherwise held at the request of the Missouri department of  
31 corrections regardless of whether or not a warrant has been issued shall be the actual cost of  
32 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].~~

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

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