

HCS SB 128 -- PUBLIC SAFETY

SPONSOR: Brown (Henderson)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on General Laws by a vote of 12 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 9 to 0.

The following is a summary of the House Committee Substitute for SB 128.

PROTECTION OF CHILDREN (210.143, 210.493, 210.1250, 210.1253, 210.1256, 210.1259, 210.1262, 210.1263, 210.1264, 210.1265, 210.1268, 210.1271, 210.1274, 210.1280, 210.1283, and 210.1286, RSMo)

This bill adds a process by which an "exempt-from-licensure residential care facility", as defined in the bill, is required to notify the Department of Social Services (DSS) of their existence and compliance with provisions that protect the safety of the children in residence. These include: fire and safety inspections, local health department inspections, background checks, medical records for all residents, and information about schools serving the children. The bill provides courts the power to expand on orders to produce children in a facility if there is suspicion of abuse or neglect. This bill creates a process for DSS to provide background checks for licensed residential care facilities or child placing agencies and for residential care facilities subject to the notification requirements of 210.1250 to 210.1286. Fingerprints are valid for 5 years and DSS will provide results to the applicant and to the facility or agency. The bill outlines what will make an applicant ineligible and provides applicants the right to appeal. When there are allegations of abuse or neglect in the residential facility, the bill outlines how the Department can petition a court for an order for a home to present a child that is the subject of a child abuse investigation. The bill specifies that any case in which a referral is made to a juvenile officer for removal of a child, a referral may also be made to the Attorney General. The bill further details that failure to comply with these provisions may result in fines, misdemeanor charges for failure to conduct background checks, and potential removal of children. The bill specifies that the Department may promulgate necessary rules that include a fee to cover the cost of the notification process. However, it is not permitted to regulate any religious program, curriculum, or ministry. The bill includes an emergency clause for immediate implementation to protect children.

COURT PROCEEDINGS (211.012, 211.181, 211.435, 485.060)

This bill specifies that, for the purposes of Chapter 211, Section 221.044, and the original jurisdiction of the juvenile court, if a person is considered an adult when the alleged offense or violation is committed, he or she will not later be considered a child. Additionally, under current law, no court will require a child to remain in the custody of the Division of Youth Services past the child's 18th birthday. This bill changes that provision so that a child can remain in the custody of the Division of Youth Services until the child's 19th birthday. There is currently a state "Juvenile Justice Preservation Fund", which exists in the State Treasury. This bill changes that so there is a Juvenile Justice Preservation Fund in each county's circuit court, and the purpose of this fund is to implement and maintain the expansion of juvenile court jurisdiction to 18 years of age. The surcharge collected under the section will be payable to the county circuit court rather than to the State Treasury. Funds currently held by the State Treasurer in the Fund must be payable and revert to the circuit court's fund in the county of origination. Expenditures from the individual county juvenile justice funds will be made at the discretion of the juvenile office for the circuit court and must be used for the sole purpose of implementing and maintaining the expansion of juvenile court jurisdiction. The bill states that, to further promote the best interests of the children of Missouri, money in the fund will not be used to replace or reduce the responsibilities of either the counties or the state to provide funding for existing and new juvenile treatment services. Lastly, the bill specifies that, starting January 1, 2022, each court reporter for a circuit judge will receive an annual salary based upon his or her cumulative years of service as a court reporter with a circuit court of this state, based upon a schedule provided in the bill. This bill has an emergency clause for the provisions related to juvenile justice.

INMATE CANTEEN FUND (Section 217.195)

Currently, the chief administrative officer of a correctional center may operate a canteen or commissary for the use and benefit of the offenders with the approval of the Division Director. Each correctional center keeps revenues received from the canteen or commissary to purchase the goods sold and other operating expenses. Under this bill, the Director of the Department of Corrections must approve the creation and operation of any canteen or commissary. This bill also creates the "Inmate Canteen Fund" in the State Treasury which shall consist of funds received from the inmate canteens. Any proceeds generated from this Fund shall be expended solely for the purpose of improving inmate recreational, religious, educational, and reentry services.

This bill repeals the current "Inmate Canteen Fund", which receives the remaining funds from sales of the canteen or commissary. This provision is the same as SB 864 (2020) and SB 434 (2019) and similar to HCS HB 303 (2019).

FEMININE HYGIENE PRODUCTS IN PRISONS (Section 217.199)

The Director of Corrections and any sheriff or jailer who holds a person in custody shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female offenders while confined in any correctional center or jail. The General Assembly may appropriate funds to assist with the funding of this requirement.

PROBATION (217.777 and 559.120)

This bill specifies that a court must consider the option to order certain offenders to participate in community-based treatment programs as a sentencing alternative if the offender is the primary caregiver of one or more dependent children and the offender meets certain other specified requirements. The Department of Corrections currently administers a community corrections program to encourage the establishment of such local sentencing alternatives. This bill adds promoting opportunities for nonviolent primary caregivers to care for their dependent children as one of the goals of that program.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that the provisions of the bill will make the statute consistent with the procedure followed. It also allows for appropriations consistent with statute.

Testifying for the bill were Senator Brown; Missouri Appleseed; National Association of Social Workers - Missouri Chapter; Arnie Dienoff; American College of Obstetricians and Gynecologists; and the Missouri Department of Corrections.

OPPOSERS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.