

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

Offered By

1 AMEND House Committee Substitute for House Bill No. 301, Page 10, Section 217.830, Line 6, by  
2 inserting after said section and line the following:

3  
4 "221.105. 1. The governing body of any county and of any city not within a county shall fix  
5 the amount to be expended for the cost of incarceration of prisoners confined in jails or medium  
6 security institutions. The per diem cost of post-conviction incarceration of these prisoners  
7 chargeable by the law to the state shall be determined, subject to the review and approval of the  
8 department of corrections.

9 2. [~~When~~] If the final determination of any criminal prosecution shall be such as to render  
10 the state liable for post-conviction costs under existing laws, it shall be the duty of the sheriff to  
11 certify to the clerk of the circuit court or court of common pleas in which the case was determined  
12 the total number of days any prisoner who was a party in such case remained in the county jail. It  
13 shall be the duty of the county commission to supply the cost per diem for county prisons to the  
14 clerk of the circuit court on the first day of each year, and thereafter whenever the amount may be  
15 changed. It shall then be the duty of the clerk of the court in which the case was determined to  
16 include in the bill of cost against the state all fees which are properly chargeable to the state for  
17 post-conviction incarceration. In any city not within a county, it shall be the duty of the  
18 superintendent of any facility boarding prisoners to certify to the chief executive officer of such city  
19 not within a county the total number of days any prisoner who was a party in such case remained in  
20 such facility. It shall be the duty of the superintendents of such facilities to supply the cost per diem  
21 to the chief executive officer on the first day of each year, and thereafter whenever the amount may  
22 be changed. It shall be the duty of the chief executive officer to bill the state all fees for boarding  
23 such prisoners [~~which~~] after conviction that are properly chargeable to the state. The chief executive  
24 may by notification to the department of corrections delegate such responsibility to another duly  
25 sworn official of such city not within a county. The clerk of the court of any city not within a  
26 county shall not include such fees in the bill of costs chargeable to the state. The department of  
27 corrections shall revise its criminal cost manual in accordance with this provision.

28 3. Except as provided under subsection 6 of section 217.718, the actual post-conviction  
29 costs chargeable to the state, including those incurred for a prisoner who is incarcerated in the  
30 county jail because the prisoner's parole or probation has been revoked or because the prisoner has,

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1 or allegedly has, violated any condition of the prisoner's parole or probation[~~7~~] and such parole or  
2 probation is a consequence of a violation of a state statute[~~5~~] or ~~[the]~~ for a prisoner who is a fugitive  
3 from the Missouri department of corrections or is otherwise held at the request of the Missouri  
4 department of corrections regardless of whether or not a warrant has been issued, shall be the actual  
5 cost of incarceration not to exceed:

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

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

8 (3) On and after July 1, 1997, ~~[up to thirty-seven dollars and fifty cents]~~ one hundred dollars  
9 per day per prisoner, subject to appropriations.

10 4. The presiding judge of a judicial circuit may propose expenses to be reimbursable by the  
11 state on behalf of one or more of the counties in that circuit. Proposed reimbursable expenses may  
12 include pretrial assessment and supervision strategies for defendants who are ultimately eligible for  
13 state incarceration. A county may not receive more than its share of the amount appropriated in the  
14 previous fiscal year, inclusive of expenses proposed by the presiding judge. Any county shall  
15 convey such proposal to the department, and any such proposal presented by a presiding judge shall  
16 include the documented agreement with the proposal by the county governing body, prosecuting  
17 attorney, at least one associate circuit judge, and the officer of the county responsible for custody or  
18 incarceration of prisoners of the county represented in the proposal. Any county that declines to  
19 convey a proposal to the department, pursuant to the provisions of this subsection, shall receive its  
20 per diem cost of incarceration for all prisoners chargeable to the state in accordance with the  
21 provisions of subsections 1, 2, and 3 of this section."; and

22  
23 Further amend said bill by amending the title, enacting clause, and intersectional references  
24 accordingly.