

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

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 1363, Page 20, Section 473.742, Line 84,  
2 by inserting after all of said section and line the following:

3  
4 "550.320. 1. As used in this section, the following terms shall mean:

5 (1) "Department", the department of corrections of the state of Missouri;

6 (2) "Jail reimbursement", a daily per diem paid by the state for the reimbursement of time  
7 spent in custody.

8 2. Notwithstanding any other provision of law to the contrary, whenever any person is  
9 sentenced to a term of imprisonment in a correctional center, the department shall reimburse the  
10 county or city not within a county for the days the person spent in custody at a per diem cost, subject  
11 to appropriation, but not to exceed thirty-seven dollars and fifty cents per day per offender. The jail  
12 reimbursement shall be subject to review and approval of the department. The state shall pay the  
13 costs when:

14 (1) A person is sentenced to a term of imprisonment as authorized by chapter 558;

15 (2) A person is sentenced pursuant to section 559.115;

16 (3) A person has his or her probation or parole revoked because the offender has, or  
17 allegedly has, violated any condition of the offender's probation or parole, and such probation or  
18 parole is a consequence of a violation of the law, or the offender is a fugitive from the state or  
19 otherwise held at the request of the department regardless of whether or not a warrant has been  
20 issued; or

21 (4) A person has a period of detention imposed pursuant to section 559.026.

22 3. When the final determination of any criminal prosecution shall be such as to render the  
23 state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the clerk of  
24 the county or the chief executive officer of the city not within a county the total number of days any  
25 offender who was a party in such case remained in the jail. It shall then be the duty of the county  
26 clerk or the chief executive officer of the city not within the county to submit the total number of  
27 days spent in custody to the department. The county clerk or chief executive officer of the city not  
28 within the county may submit claims to the department, no later than two years from the date the  
29 claim became eligible for reimbursement.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           4. The department shall determine if the expenses are eligible pursuant to the provisions of  
 2 this chapter and remit any payment to the county or city not within a county when the expenses are  
 3 determined to be eligible. The department shall establish, by rule, the process for submission of  
 4 claims. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under  
 5 the authority delegated in this section shall become effective only if it complies with and is subject  
 6 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter  
 7 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter  
 8 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
 9 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
 10 August 28, 2024, shall be invalid and void."; and

11  
 12 Further amend said bill, Page 21, Section 1, Line 12, by inserting after all of said section and line  
 13 the following:

14  
 15           "~~221.105. 1. The governing body of any county and of any city not~~  
 16 ~~within a county shall fix the amount to be expended for the cost of incarceration of~~  
 17 ~~prisoners confined in jails or medium security institutions. The per diem cost of~~  
 18 ~~incarceration of these prisoners chargeable by the law to the state shall be~~  
 19 ~~determined, subject to the review and approval of the department of corrections.~~

20           ~~2. When the final determination of any criminal prosecution shall be such~~  
 21 ~~as to render the state liable for costs under existing laws, it shall be the duty of the~~  
 22 ~~sheriff to certify to the clerk of the circuit court or court of common pleas in which~~  
 23 ~~the case was determined the total number of days any prisoner who was a party in~~  
 24 ~~such case remained in the county jail. It shall be the duty of the county~~  
 25 ~~commission to supply the cost per diem for county prisons to the clerk of the~~  
 26 ~~circuit court on the first day of each year, and thereafter whenever the amount may~~  
 27 ~~be changed. It shall then be the duty of the clerk of the court in which the case~~  
 28 ~~was determined to include in the bill of cost against the state all fees which are~~  
 29 ~~properly chargeable to the state. In any city not within a county it shall be the duty~~  
 30 ~~of the superintendent of any facility boarding prisoners to certify to the chief~~  
 31 ~~executive officer of such city not within a county the total number of days any~~  
 32 ~~prisoner who was a party in such case remained in such facility. It shall be the~~  
 33 ~~duty of the superintendents of such facilities to supply the cost per diem to the~~  
 34 ~~chief executive officer on the first day of each year, and thereafter whenever the~~  
 35 ~~amount may be changed. It shall be the duty of the chief executive officer to bill~~  
 36 ~~the state all fees for boarding such prisoners which are properly chargeable to the~~  
 37 ~~state. The chief executive may by notification to the department of corrections~~  
 38 ~~delegate such responsibility to another duly sworn official of such city not within a~~  
 39 ~~county. The clerk of the court of any city not within a county shall not include~~  
 40 ~~such fees in the bill of costs chargeable to the state. The department of corrections~~  
 41 ~~shall revise its criminal cost manual in accordance with this provision.~~

42           ~~3. Except as provided under subsection 6 of section 217.718, the actual~~  
 43 ~~costs chargeable to the state, including those incurred for a prisoner who is~~  
 44 ~~incarcerated in the county jail because the prisoner's parole or probation has been~~  
 45 ~~revoked or because the prisoner has, or allegedly has, violated any condition of the~~

1 prisoner's parole or probation, and such parole or probation is a consequence of a  
2 violation of a state statute, or the prisoner is a fugitive from the Missouri  
3 department of corrections or otherwise held at the request of the Missouri  
4 department of corrections regardless of whether or not a warrant has been issued  
5 shall be the actual 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;

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

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

25  
26 Further amend said bill by amending the title, enacting clause, and intersectional references  
27 accordingly.