

FIRST REGULAR SESSION

HOUSE BILL NO. 667

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VEIT.

1779H.01I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 221.105, 221.400, 221.402, 221.405, 221.407, and 221.410, RSMo, and to enact in lieu thereof six new sections relating to jails, with an emergency clause for certain sections.

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

Section A. Sections 221.105, 221.400, 221.402, 221.405, 221.407, and 221.410, 2 RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 3 221.400, 221.402, 221.405, 221.407, 221.410, and 550.320, to read as follows:

221.400. 1. Any two or more contiguous counties within the state may form an 2 agreement to establish a regional jail district. The district shall have a boundary which 3 includes the areas within each member county, and it shall be named the " _____ Regional 4 Jail District". Such regional jail districts may contract to carry out the mission of the 5 commission and the regional jail district.

6 2. The county commission of each county desiring to join the district shall approve an 7 ordinance, **order**, or resolution to join the district and shall approve the agreement which 8 specifies the duties of each county within the district.

9 3. If any county wishes to join a district which has already been established under this 10 section, the agreement shall be rewritten and reapproved by each member county. **If the** 11 **district already levies a sales tax pursuant to section 221.407, the county desiring to join** 12 **shall have approved the levy of the district sales tax in the county pursuant to subsection** 13 **3 of section 221.407, and the rewritten agreement shall be provided.**

14 4. The agreement which specifies the duties of each county shall contain the 15 following:

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.

221.402. In addition to the powers granted to the district by its member counties
2 under the agreement, the district has all the powers necessary or appropriate to carry out its
3 purposes, including, but not limited to, the following:

221.405. 1. Any regional jail district created pursuant to section 221.400 shall be
2 governed by a commission. The commission shall be composed of the sheriff and presiding
3 commissioner from each county within the district.

4 2. Each commissioner shall serve during his tenure as sheriff or as presiding
5 commissioner.

6 3. Commissioners shall serve until their successors **in their county offices** have [~~been~~
7 ~~duly appointed~~] **assumed office**. Vacancies on the commission shall be filled by the
8 succeeding sheriff or presiding commissioner for the remainder of the term.

9 4. Commissioners shall serve without compensation, except that they shall be
10 reimbursed by the district for their reasonable and necessary expenses in the performance of
11 their duties.

12 5. A jail commissioner from each county in the district shall present a proposed
13 budget to the county commission.

221.407. 1. The commission of any regional jail district may impose, by order, a
2 sales tax in the amount of [~~one eighth of~~] **up to** one percent[, ~~one fourth of one percent, three-~~
3 ~~eighths of one percent, or one half of one percent~~] on all retail sales made in such region
4 which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525 for the
5 purpose of providing jail services [~~and court~~], facilities, and equipment for such region. The
6 tax authorized by this section shall be in addition to any and all other sales taxes allowed by
7 law, except that no order imposing a sales tax pursuant to this section shall be effective unless
8 the commission submits to the voters of the district, on any election date authorized in chapter
9 115, a proposal to authorize the commission to impose a tax.

10 2. The ballot of submission shall contain, but need not be limited to, the following
11 language:

12 Shall the _____ (**District name**) regional jail district [~~of _____~~
13 ~~(counties' names)~~] impose a region-wide sales tax of _____ (insert
14 amount) for the purpose of providing jail services [~~and court~~], facilities, and
15 equipment for the region?

16 YES

16 NO

17 If you are in favor of the question, place an "X" in the box opposite "YES".

18 If you are opposed to the question, place an "X" in the box opposite "NO".

19

20 If a majority of the votes cast on the proposal by the qualified voters of the district voting
21 thereon are in favor of the proposal, then the order and any amendment to such order shall be
22 in effect on the first day of the second quarter immediately following the election approving
23 the proposal. If the proposal receives less than the required majority, the commission shall
24 have no power to impose the sales tax authorized pursuant to this section unless and until the
25 commission shall again have submitted another proposal to authorize the commission to
26 impose the sales tax authorized by this section and such proposal is approved by the
27 [~~required~~] majority of the qualified voters of the district voting on such proposal[; ~~however, in~~

28 ~~no event shall a proposal pursuant to this section be submitted to the voters sooner than~~
29 ~~twelve months from the date of the last submission of a proposal pursuant to this section].~~

30 3. In the case of a county attempting to join an existing district that levies a sales
31 tax pursuant to subsection 1 of this section, such joining with the district shall not
32 become effective until the approval of the voters to levy the district sales tax in the
33 county attempting to join the district has been obtained. The election shall be called by
34 the county commission of the county attempting to join the district, and the district shall
35 by ordinance or order provide that the sales tax shall be levied in the joining county,
36 subject to approval of the county voters as herein provided. The ballot of submission
37 shall contain, but need not be limited to, the following language:

38 Shall the _____ (District name) extend its regional jail
39 district sales tax of _____ (insert amount) to the boundaries of _____
40 _____ (name of joining county) for the purpose of providing jail
41 services, facilities, and equipment for the region?

42 YES NO

43 If you are in favor of the question, place an "X" in the box opposite
44 "YES". If you are opposed to the question, place an "X" in the box
45 opposite "NO".

46 If a majority of the votes cast on the proposal by the qualified voters of the county
47 attempting to join the district voting thereon are in favor of the proposal, then the tax
48 shall be in effect on the first day of the second quarter immediately following the
49 election approving the proposal, the county shall have been deemed to have joined the
50 district pursuant to a rewritten agreement as provided in subsection 3 of section
51 221.400, and the order of the commission levying the tax shall also become effective as to
52 the joining county on said date. If the proposal receives less than the required majority,
53 the district shall have no power to impose the sales tax authorized pursuant to this
54 section, and the county attempting to join the district shall not be permitted to do so,
55 unless and until the county commission of the county attempting to join the district shall
56 again have submitted another proposal to authorize the imposition of the sales tax
57 authorized by this section and such proposal is approved by the majority of the qualified
58 voters of the county attempting to join the district voting on such proposal.

60 4. All revenue received by a district from the tax authorized pursuant to this section
61 shall be deposited in a special trust fund and shall be used solely for providing jail services
62 ~~[and court]~~, facilities, and equipment for such district for so long as the tax shall remain in
63 effect.

64 **[4.] 5.** Once the tax authorized by this section is abolished or terminated by any
65 means, all funds remaining in the special trust fund shall be used solely for providing jail
66 services ~~[and court]~~, facilities, and equipment for the district. Any funds in such special trust
67 fund which are not needed for current expenditures may be invested by the commission in
68 accordance with applicable laws relating to the investment of other county funds.

69 **[5.] 6.** All sales taxes collected by the director of revenue pursuant to this section on
70 behalf of any district, less one percent for cost of collection which shall be deposited in the
71 state's general revenue fund after payment of premiums for surety bonds as provided in
72 section 32.087, shall be deposited in a special trust fund, which is hereby created, to be
73 known as the "Regional Jail District Sales Tax Trust Fund". The moneys in the regional jail
74 district sales tax trust fund shall not be deemed to be state funds and shall not be commingled
75 with any funds of the state. The director of revenue shall keep accurate records of the amount
76 of money in the trust fund which was collected in each district imposing a sales tax pursuant
77 to this section, and the records shall be open to the inspection of officers of each member
78 county and the public. Not later than the tenth day of each month the director of revenue shall
79 distribute all moneys deposited in the trust fund during the preceding month to the district
80 which levied the tax. Such funds shall be deposited with the treasurer of each such district,
81 and all expenditures of funds arising from the regional jail district sales tax trust fund shall be
82 paid pursuant to an appropriation adopted by the commission and shall be approved by the
83 commission. Expenditures may be made from the fund for any ~~function authorized in the
order adopted by the commission submitting the regional jail district tax to the voters]~~ of the
85 **district's authorized purposes.**

86 **[6.] 7.** The director of revenue may make refunds from the amounts in the trust fund
87 and credited to any district for erroneous payments and overpayments made, and may redeem
88 dishonored checks and drafts deposited to the credit of such districts. If any district abolishes
89 the tax, the commission shall notify the director of revenue of the action at least ninety days
90 prior to the effective date of the repeal, and the director of revenue may order retention in the
91 trust fund, for a period of one year, of two percent of the amount collected after receipt of
92 such notice to cover possible refunds or overpayment of the tax and to redeem dishonored
93 checks and drafts deposited to the credit of such accounts. After one year has elapsed after
94 the effective date of abolition of the tax in such district, the director of revenue shall remit the
95 balance in the account to the district and close the account of that district. The director of
96 revenue shall notify each district in each instance of any amount refunded or any check
97 redeemed from receipts due the district.

98 **[7.] 8.** Except as provided in this section, all provisions of sections 32.085 and 32.087
99 shall apply to the tax imposed pursuant to this section.

100 ~~[8. The provisions of this section shall expire September 30, 2028.]~~

221.410. Except as provided in sections 221.400 to 221.420 the regional jail
2 commission shall have the following powers and duties:

3 (1) It shall implement the agreement approved by the counties within the district
4 under section 221.400;

5 (2) It shall determine the means to establish a regional jail for the district;

6 (3) It shall appoint a director for the regional jail;

7 (4) It shall determine the initial budget for the regional jail and shall approve, after a
8 review and a majority of the commissioners concurring therein, all subsequent budgets, for
9 which proposals may be submitted by the director;

10 (5) It may determine the policies for the housing of prisoners within the regional jail;

11 (6) It may buy, lease or sell real **or personal** property for the purpose of establishing
12 **and maintaining** a regional jail, and it may contract with public or private entities **[for the**
13 **planning and acquisition of a]** to acquire, construct, reconstruct, repair, alter, improve,
14 **equip, and extend a regional jail;**

15 (7) It may contract with **[the department of corrections and with cities and other**
16 **counties in this state]** governmental entities, including, without limitation, agencies and
17 **instrumentalities thereof, or private entities** for the housing of prisoners;

18 (8) It shall approve all positions to be created for the purpose of administering the
19 regional jail; and

20 (9) It shall approve a location for the regional jail which is **[generally central to]**
21 **within the district.**

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

2 (1) **"Department"**, the department of corrections of the state of Missouri;
3 (2) **"Jail reimbursement"**, a daily per diem paid by the state for the
4 reimbursement of time spent in custody.

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

11 (1) **A person is sentenced to a term of imprisonment as authorized by chapter**
12 **558;**

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

14 (3) **A person has his or her probation or parole revoked because the offender**
15 **has, or allegedly has, violated any condition of the offender's probation or parole, and**
16 **such probation or parole is a consequence of a violation of the law, or the offender is a**

17 **fugitive from the state or otherwise held at the request of the department regardless of**
18 **whether or not a warrant has been issued; or**

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

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

29 **4. The department shall determine if the expenses are eligible pursuant to the**
30 **provisions of this chapter and remit any payment to the county or city not within a**
31 **county when the expenses are determined to be eligible. The department shall establish,**
32 **by rule, the process for submission of claims. Any rule or portion of a rule, as that term**
33 **is defined in section 536.010, that is created under the authority delegated in this section**
34 **shall become effective only if it complies with and is subject to all of the provisions of**
35 **chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**
36 **nonseverable and if any of the powers vested with the general assembly pursuant to**
37 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
38 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
39 **proposed or adopted after August 28, 2025, shall be invalid and void.**

2 **[221.105. 1. The governing body of any county and of any city not**
3 **within a county shall fix the amount to be expended for the cost of**
4 **incarceration of prisoners confined in jails or medium security institutions.**
5 **The per diem cost of incarceration of these prisoners chargeable by the law to**
6 **the state shall be determined, subject to the review and approval of the**
7 **department of corrections.**

8 **2. When the final determination of any criminal prosecution shall be**
9 **such as to render the state liable for costs under existing laws, it shall be the**
10 **duty of the sheriff to certify to the clerk of the circuit court or court of common**
11 **pleas in which the case was determined the total number of days any prisoner**
12 **who was a party in such case remained in the county jail. It shall be the duty**
13 **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**
15 **the amount may be changed. It shall then be the duty of the clerk of the court**
16 **in which the case was determined to include in the bill of cost against the state**
17 **all fees which are properly chargeable to the state. In any city not within a**
18 **county it shall be the duty of the superintendent of any facility boarding**

18 prisoners to certify to the chief executive officer of such city not within a
19 county the total number of days any prisoner who was a party in such case
20 remained in such facility. It shall be the duty of the superintendents of such
21 facilities to supply the cost per diem to the chief executive officer on the first
22 day of each year, and thereafter whenever the amount may be changed. It shall
23 be the duty of the chief executive officer to bill the state all fees for boarding
24 such prisoners which are properly chargeable to the state. The chief executive
25 may by notification to the department of corrections delegate such
26 responsibility to another duly sworn official of such city not within a
27 county. The clerk of the court of any city not within a county shall not include
28 such fees in the bill of costs chargeable to the state. The department of
29 corrections shall revise its criminal cost manual in accordance with this
30 provision.

31 3. Except as provided under subsection 6 of section 217.718, the actual
32 costs chargeable to the state, including those incurred for a prisoner who is
33 incarcerated in the county jail because the prisoner's parole or probation has
34 been revoked or because the prisoner has, or allegedly has, violated any
35 condition of the prisoner's parole or probation, and such parole or probation is
36 a consequence of a violation of a state statute, or the prisoner is a fugitive from
37 the Missouri department of corrections or otherwise held at the request of the
38 Missouri department of corrections regardless of whether or not a warrant has
39 been issued shall be the actual cost of incarceration not to exceed:

40 (1) Until July 1, 1996, seventeen dollars per day per prisoner;
41 (2) On and after July 1, 1996, twenty dollars per day per prisoner;
42 (3) On and after July 1, 1997, up to thirty seven dollars and fifty cents
43 per day per prisoner, subject to appropriations.

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

Section B. Because of the immediate need for new and enhanced jail facilities in the state of Missouri, the repeal and reenactment of sections 221.400, 221.402, 221.405, 221.407, and 221.410 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 221.400, 221.402,

6 221.405, 221.407, and 221.410 of this act shall be in full force and effect upon its passage and
7 approval.

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