

SECOND REGULAR SESSION

HOUSE BILL NO. 2054

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VERNETTI.

5439H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 630, RSMo, by adding thereto one new section relating to jail reimbursement.

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

Section A. Chapter 630, RSMo, is amended by adding thereto one new section, to be known as section 630.1200, to read as follows:

630.1200. 1. As used in this section, the following terms mean:

(1) "Department", the department of mental health;

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

2. Notwithstanding any other provision of law to the contrary, whenever it is determined that a person in the custody of a jail within a county or city not within a county lacks capacity to understand the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect, the department shall reimburse the county or city not within a county for the time the person spent in custody at a rate of two hundred dollars per day, subject to appropriation. Additionally, the department shall reimburse the county or city not within a county for the cost of any medication provided to such person while he or she was in custody. The jail reimbursement shall be subject to review and approval of the department.

3. The department shall pay the costs under subsection 2 of this section when a person is determined to lack mental fitness to proceed in a trial or conviction under section 552.020 and the person is in the custody of the sheriff.

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.

17 **4. It shall be the duty of the office of the sheriff or the chief executive officer of a**
18 **city not within a county to certify the total number of days any person who lacks mental**
19 **fitness to proceed in a trial or conviction under section 552.020 remained in the custody**
20 **of the sheriff in the jail and submit to the department the total number of days spent in**
21 **custody and the total cost of any medication provided to the person while in custody.**
22 **The office of the sheriff or chief executive officer of a city not within a county shall**
23 **submit claims to the department no later than two years from the date the claim became**
24 **eligible for reimbursement.**

25 **5. The department shall determine if the expenses are eligible pursuant to the**
26 **provisions of this chapter and remit any payment to the county or city not within a**
27 **county when the expenses are determined to be eligible. The department shall establish,**
28 **by rule, the process for submission of claims. Any rule or portion of a rule, as that term**
29 **is defined in section 536.010, that is created under the authority delegated in this section**
30 **shall become effective only if it complies with and is subject to all of the provisions of**
31 **chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**
32 **nonseverable and if any of the powers vested with the general assembly pursuant to**
33 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
34 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
35 **proposed or adopted after August 28, 2026, shall be invalid and void.**

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