

SECOND REGULAR SESSION

HOUSE BILL NO. 2779

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOLAN.

6371H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 550.320, RSMo, and to enact in lieu thereof two new sections relating to jail reimbursement.

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

Section A. Section 550.320, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 550.320 and 630.1200, to read as follows:

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

5 2. Notwithstanding any other provision of law to the contrary, whenever it is
6 determined that a person in the custody of a jail within a county or city not within a
7 county lacks capacity to understand the proceedings against him or her or to assist in his
8 or her own defense as a result of mental disease or defect, the department shall
9 reimburse the county or city not within a county for the time the person spent in custody
10 at a rate of one hundred fifty dollars per day, subject to appropriation. The jail
11 reimbursement shall be subject to review and approval of the department.

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

15 4. It shall be the duty of the office of the sheriff or the chief executive officer of a
16 city not within a county to certify the total number of days any person who lacks mental
17 fitness to proceed in a trial or conviction under section 552.020 remained in the custody
18 of the sheriff in the jail and submit to the department the total number of days spent in

19 custody. The office of the sheriff or chief executive officer of a city not within a county
20 shall submit claims to the department no later than two years from the date the claim
21 became eligible for reimbursement.

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

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