

SENATE BILL NO. 1353

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

5149S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 221.105, RSMo, and to enact in lieu thereof one new section relating to reimbursements to jails.

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

Section A. Section 221.105, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 550.320, to read as follows: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 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;

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

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

41 4. The department shall determine if the expenses are
42 eligible pursuant to the provisions of this chapter and
43 remit any payment to the county or city not within a county
44 when the expenses are determined to be eligible. The
45 department shall establish, by rule, the process for
46 submission of claims. Any rule or portion of a rule, as
47 that term is defined in section 536.010, that is created
48 under the authority delegated in this section shall become
49 effective only if it complies with and is subject to all of
50 the provisions of chapter 536 and, if applicable, section

51 536.028. This section and chapter 536 are nonseverable and
52 if any of the powers vested with the general assembly
53 pursuant to chapter 536 to review, to delay the effective
54 date, or to disapprove and annul a rule are subsequently
55 held unconstitutional, then the grant of rulemaking
56 authority and any rule proposed or adopted after August 28,
57 2024, shall be invalid and void.

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

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

45 city not within a county shall not include such
46 fees in the bill of costs chargeable to the
47 state. The department of corrections shall
48 revise its criminal cost manual in accordance
49 with this provision.

50 3. Except as provided under subsection 6
51 of section 217.718, the actual costs chargeable
52 to the state, including those incurred for a
53 prisoner who is incarcerated in the county jail
54 because the prisoner's parole or probation has
55 been revoked or because the prisoner has, or
56 allegedly has, violated any condition of the
57 prisoner's parole or probation, and such parole
58 or probation is a consequence of a violation of
59 a state statute, or the prisoner is a fugitive
60 from the Missouri department of corrections or
61 otherwise held at the request of the Missouri
62 department of corrections regardless of whether
63 or not a warrant has been issued shall be the
64 actual cost of incarceration not to exceed:

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

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

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

72 4. The presiding judge of a judicial
73 circuit may propose expenses to be reimbursable
74 by the state on behalf of one or more of the
75 counties in that circuit. Proposed reimbursable
76 expenses may include pretrial assessment and
77 supervision strategies for defendants who are
78 ultimately eligible for state incarceration. A
79 county may not receive more than its share of
80 the amount appropriated in the previous fiscal
81 year, inclusive of expenses proposed by the
82 presiding judge. Any county shall convey such
83 proposal to the department, and any such
84 proposal presented by a presiding judge shall
85 include the documented agreement with the
86 proposal by the county governing body,
87 prosecuting attorney, at least one associate
88 circuit judge, and the officer of the county
89 responsible for custody or incarceration of
90 prisoners of the county represented in the
91 proposal. Any county that declines to convey a
92 proposal to the department, pursuant to the
93 provisions of this subsection, shall receive its
94 per diem cost of incarceration for all prisoners
95 chargeable to the state in accordance with the
96 provisions of subsections 1, 2, and 3 of this
97 section.]

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