

SECOND REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

# SENATE BILL NO. 900

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLACK.

3439S.03P

KRISTINA MARTIN, Secretary

## 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 eight 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Section A. Sections 221.105, 221.400, 221.402, 221.405, 221.407, and 221.410, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 217.451, 221.108, 221.400, 221.402, 221.405, 221.407, 221.410, and 550.320, to read as follows:

**217.451. 1. Correctional centers shall provide offenders with reasonable access to phone services during an offender's term of confinement; provided that, phone access may be restricted as a disciplinary measure.**

**2. No correctional center or other party shall charge an offender in a correctional center a total amount for a domestic phone call, including fees and any per-minute rate, that exceeds the equivalent of twelve cents per minute.**

**221.108. 1. Jails shall provide inmates with reasonable access to phone services during an inmate's term of confinement; provided that, phone access may be restricted as a disciplinary measure.**

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

5           **2. No jail or other party shall charge an inmate in a**  
6 **jail a total amount for a domestic phone call, including**  
7 **fees and any per-minute rate, that exceeds the equivalent of**  
8 **twelve cents per minute.**

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

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

13           3. If any county wishes to join a district which has  
14 already been established under this section, the agreement  
15 shall be rewritten and reapproved by each member county. **If**  
16 **the district already levies a sales tax pursuant to section**  
17 **221.407, the county desiring to join shall have approved the**  
18 **levy of the district sales tax in the county pursuant to**  
19 **subsection 3 of section 221.407, and the rewritten agreement**  
20 **shall be provided.**

21           4. The agreement which specifies the duties of each  
22 county shall contain the following:

- 23           (1) The name of the district;  
24           (2) The names of the counties within the district;  
25           (3) The formula for calculating each county's  
26 contribution to the costs of the district;

27 (4) The types of prisoners which the regional jail may  
28 house, limited to prisoners which may be transferred to  
29 counties under state law;

30 (5) The methods and powers which may be used for  
31 constructing, leasing or financing a regional jail;

32 (6) The duties of the director of the regional jail;

33 (7) The timing and procedures for approval of the  
34 regional jail district's annual budget by the regional jail  
35 commission; and

36 (8) The delegation, if any, by the member counties to  
37 the regional jail district of the power of eminent domain.

38 5. Any county, city, town or village may contract with  
39 a regional jail commission for the holding of its prisoners.

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

6 (1) To adopt bylaws and rules for the regulation of  
7 its affairs and the conduct of its business;

8 (2) To adopt an official seal;

9 (3) To maintain an office at such place or places in  
10 one or more of the member counties as the commission may  
11 designate;

12 (4) To sue and be sued;

13 (5) To make and execute leases, contracts, releases,  
14 compromises and other instruments necessary or convenient  
15 for the exercise of its powers or to carry out its purposes;

16 (6) To acquire, construct, reconstruct, repair, alter,  
17 improve, **[and] equip, extend, and maintain** jail facilities;

18 (7) To sell, **lease**, assign, mortgage, grant a security  
19 interest in, exchange, donate and convey any or all of its

20 properties whenever the commission finds such action to be  
21 in furtherance of the district's purposes;

22 (8) To collect rentals, fees and other charges in  
23 connection with its services or for the use of any  
24 facilities;

25 (9) To issue its bonds, notes or other obligations for  
26 any of its corporate purposes and to refund the same.

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

6 2. Each commissioner shall serve during his tenure as  
7 sheriff or as presiding commissioner.

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

13 4. Commissioners shall serve without compensation,  
14 except that they shall be reimbursed by the district for  
15 their reasonable and necessary expenses in the performance  
16 of their duties.

17 5. A jail commissioner from each county in the  
18 district shall present a proposed budget to the county  
19 commission.

221.407. 1. The commission of any regional jail  
2 district may impose, by order, a sales tax in the amount of  
3 **[one-eighth of] up to one percent[, one-fourth of one**  
4 **percent, three-eighths of one percent, or one-half of one**  
5 **percent]** on all retail sales made in such region which are  
6 subject to taxation pursuant to the provisions of sections

7 144.010 to 144.525 for the purpose of providing jail  
8 services [and court], facilities, and equipment for such  
9 region. The tax authorized by this section shall be in  
10 addition to any and all other sales taxes allowed by law,  
11 except that no order imposing a sales tax pursuant to this  
12 section shall be effective unless the commission submits to  
13 the voters of the district, on any election date authorized  
14 in chapter 115, a proposal to authorize the commission to  
15 impose a tax.

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

18 Shall the \_\_\_\_\_ (**District name**) regional  
19 jail district [of \_\_\_\_\_ (counties' names)] impose  
20 a region-wide sales tax of \_\_\_\_\_ (insert amount)  
21 for the purpose of providing jail services [and  
22 court], facilities, and equipment for the region?

23  YES  NO

24 If you are in favor of the question, place an "X"  
25 in the box opposite "YES". If you are opposed to  
26 the question, place an "X" in the box opposite  
27 "NO".

28 If a majority of the votes cast on the proposal by the  
29 qualified voters of the district voting thereon are in favor  
30 of the proposal, then the order and any amendment to such  
31 order shall be in effect on the first day of the second  
32 quarter immediately following the election approving the  
33 proposal. If the proposal receives less than the required  
34 majority, the commission shall have no power to impose the  
35 sales tax authorized pursuant to this section unless and  
36 until the commission shall again have submitted another  
37 proposal to authorize the commission to impose the sales tax

38 authorized by this section and such proposal is approved by  
 39 the [required] majority of the qualified voters of the  
 40 district voting on such proposal[; however, in no event  
 41 shall a proposal pursuant to this section be submitted to  
 42 the voters sooner than twelve months from the date of the  
 43 last submission of a proposal pursuant to this section].

44 3. In the case of a county attempting to join an  
 45 existing district that levies a sales tax pursuant to  
 46 subsection 1 of this section, such joining with the district  
 47 shall not become effective until the approval of the voters  
 48 to levy the district sales tax in the county attempting to  
 49 join the district has been obtained. The election shall be  
 50 called by the county commission of the county attempting to  
 51 join the district, and the district shall by ordinance or  
 52 order provide that the sales tax shall be levied in the  
 53 joining county, subject to approval of the county voters as  
 54 herein provided. The ballot of submission shall contain,  
 55 but need not be limited to, the following language:

56 Shall the \_\_\_\_\_ (District name) extend  
 57 its regional jail district sales tax of \_\_\_\_\_  
 58 (insert amount) to the boundaries of \_\_\_\_\_  
 59 (name of joining county) for the purpose of  
 60 providing jail services, facilities, and equipment  
 61 for the region?

62  YES  NO

63 If you are in favor of the question, place an "X"  
 64 in the box opposite "YES". If you are opposed to  
 65 the question, place an "X" in the box opposite  
 66 "NO".

67 If a majority of the votes cast on the proposal by the  
 68 qualified voters of the county attempting to join the  
 69 district voting thereon are in favor of the proposal, then

70 the tax shall be in effect on the first day of the second  
71 quarter immediately following the election approving the  
72 proposal, the county shall have been deemed to have joined  
73 the district pursuant to a rewritten agreement as provided  
74 in subsection 3 of section 221.400, and the order of the  
75 commission levying the tax shall also become effective as to  
76 the joining county on said date. If the proposal receives  
77 less than the required majority, the district shall have no  
78 power to impose the sales tax authorized pursuant to this  
79 section, and the county attempting to join the district  
80 shall not be permitted to do so, unless and until the county  
81 commission of the county attempting to join the district  
82 shall again have submitted another proposal to authorize the  
83 imposition of the sales tax authorized by this section and  
84 such proposal is approved by the majority of the qualified  
85 voters of the county attempting to join the district voting  
86 on such proposal.

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

92 [4.] 5. Once the tax authorized by this section is  
93 abolished or terminated by any means, all funds remaining in  
94 the special trust fund shall be used solely for providing  
95 jail services [and court], facilities and equipment for the  
96 district. Any funds in such special trust fund which are  
97 not needed for current expenditures may be invested by the  
98 commission in accordance with applicable laws relating to  
99 the investment of other county funds.

100 [5.] 6. All sales taxes collected by the director of  
101 revenue pursuant to this section on behalf of any district,

102 less one percent for cost of collection which shall be  
103 deposited in the state's general revenue fund after payment  
104 of premiums for surety bonds as provided in section 32.087,  
105 shall be deposited in a special trust fund, which is hereby  
106 created, to be known as the "Regional Jail District Sales  
107 Tax Trust Fund". The moneys in the regional jail district  
108 sales tax trust fund shall not be deemed to be state funds  
109 and shall not be commingled with any funds of the state.  
110 The director of revenue shall keep accurate records of the  
111 amount of money in the trust fund which was collected in  
112 each district imposing a sales tax pursuant to this section,  
113 and the records shall be open to the inspection of officers  
114 of each member county and the public. Not later than the  
115 tenth day of each month the director of revenue shall  
116 distribute all moneys deposited in the trust fund during the  
117 preceding month to the district which levied the tax. Such  
118 funds shall be deposited with the treasurer of each such  
119 district, and all expenditures of funds arising from the  
120 regional jail district sales tax trust fund shall be paid  
121 pursuant to an appropriation adopted by the commission and  
122 shall be approved by the commission. Expenditures may be  
123 made from the fund for any [function authorized in the order  
124 adopted by the commission submitting the regional jail  
125 district tax to the voters] **of the district's authorized**  
126 **purposes.**

127 [6.] 7. The director of revenue may make refunds from  
128 the amounts in the trust fund and credited to any district  
129 for erroneous payments and overpayments made, and may redeem  
130 dishonored checks and drafts deposited to the credit of such  
131 districts. If any district abolishes the tax, the  
132 commission shall notify the director of revenue of the  
133 action at least ninety days prior to the effective date of



134 the repeal, and the director of revenue may order retention  
135 in the trust fund, for a period of one year, of two percent  
136 of the amount collected after receipt of such notice to  
137 cover possible refunds or overpayment of the tax and to  
138 redeem dishonored checks and drafts deposited to the credit  
139 of such accounts. After one year has elapsed after the  
140 effective date of abolition of the tax in such district, the  
141 director of revenue shall remit the balance in the account  
142 to the district and close the account of that district. The  
143 director of revenue shall notify each district in each  
144 instance of any amount refunded or any check redeemed from  
145 receipts due the district.

146 [7.] 8. Except as provided in this section, all  
147 provisions of sections 32.085 and 32.087 shall apply to the  
148 tax imposed pursuant to this section.

149 [8. The provisions of this section shall expire  
150 September 30, 2028.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.  
It shall be the duty of the superintendents of

34 such facilities to supply the cost per diem to  
35 the chief executive officer on the first day of  
36 each year, and thereafter whenever the amount  
37 may be changed. It shall be the duty of the  
38 chief executive officer to bill the state all  
39 fees for boarding such prisoners which are  
40 properly chargeable to the state. The chief  
41 executive may by notification to the department  
42 of corrections delegate such responsibility to  
43 another duly sworn official of such city not  
44 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.]

Section B. Because of the immediate need for new and  
2 enhanced jail facilities in the state of Missouri, the  
3 repeal and reenactment of sections 221.400, 221.402,  
4 221.405, 221.407, and 221.410 of this act is deemed  
5 necessary for the immediate preservation of the public  
6 health, welfare, peace, and safety, and is hereby declared  
7 to be an emergency act within the meaning of the  
8 constitution, and the repeal and reenactment of sections  
9 221.400, 221.402, 221.405, 221.407, and 221.410 of this act  
10 shall be in full force and effect upon its passage and  
11 approval.

✓