

SECOND REGULAR SESSION

# HOUSE BILL NO. 1735

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE EVANS.

4268H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 221.105, RSMo, and to enact in lieu thereof one new section relating to boarding of prisoners.

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Section A. Section 221.105, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 221.105, to read as follows:

221.105. 1. The governing body of any county and of any city not within a county ~~shall fix the amount to be expended for the cost of incarceration of prisoners confined in jails or medium security institutions. The per diem cost]~~ **may request reimbursement from the state for the days of incarceration in a county jail of [these] those** prisoners chargeable by the law to the state ~~[shall be determined]~~, subject to the review and approval of the department of corrections.

2. When the final determination of any criminal prosecution shall be ~~[such as to render the state liable for costs under existing laws, it shall be the duty of]~~ **to commit an individual to the custody of the department of corrections for a period of incarceration**, the sheriff ~~[to]~~ **may** certify to the clerk of the circuit court or court of common pleas in which the case was determined the total number of days any prisoner who was a party in such case remained in the county jail. ~~[It shall be the duty of the county commission to supply the cost per diem for county prisons to the clerk of the circuit court on the first day of each year, and thereafter whenever the amount may be changed. It shall then be the duty of the clerk of the court in which the case was determined to include in the bill of cost against the state all fees which are properly chargeable to the state.]~~ In any city not within a county ~~[it shall be the duty of]~~, the superintendent of any facility boarding prisoners ~~[to]~~ **may** certify to the chief executive officer of such city not within

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

27 3. ~~[Except as provided under subsection 6 of section 217.718, the actual costs chargeable~~  
28 ~~to the state, including]~~ **The days of jail incarceration that are eligible for reimbursement**  
29 **include** those incurred for a prisoner who is incarcerated in the county jail because:

30 (1) The prisoner's parole or probation has been revoked ~~[or because]~~ , **and such parole**  
31 **or probation is a consequence of a violation of a state statute;**

32 (2) The prisoner has, or allegedly has, violated any condition of the prisoner's parole or  
33 probation, and such parole or probation is a consequence of a violation of a state statute~~];~~ ; or

34 (3) The prisoner is a fugitive from the Missouri department of corrections or otherwise  
35 held at the request of the Missouri department of corrections,

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37 regardless of whether ~~[or not]~~ a warrant has been issued ~~[shall be the actual cost of incarceration~~  
38 ~~not to exceed:~~

39 ~~—— (1) Until July 1, 1996, seventeen dollars per day per prisoner;~~

40 ~~—— (2) On and after July 1, 1996, twenty dollars per day per prisoner;~~

41 ~~—— (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per~~  
42 ~~prisoner, subject to appropriations, but not less than the amount appropriated in the previous~~  
43 ~~fiscal year.~~

44 ~~—— 4. The presiding judge of a judicial circuit may propose expenses to be reimbursable by~~  
45 ~~the state on behalf of one or more of the counties in that circuit. Proposed reimbursable expenses~~  
46 ~~may include pretrial assessment and supervision strategies for defendants who are ultimately~~  
47 ~~eligible for state incarceration. A county may not receive more than its share of the amount~~  
48 ~~appropriated in the previous fiscal year, inclusive of expenses proposed by the presiding judge.~~  
49 ~~Any county shall convey such proposal to the department, and any such proposal presented by~~  
50 ~~a presiding judge shall include the documented agreement with the proposal by the county~~  
51 ~~governing body, prosecuting attorney, at least one associate circuit judge, and the officer of the~~  
52 ~~county responsible for custody or incarceration of prisoners of the county represented in the~~  
53 ~~proposal. Any county that declines to convey a proposal to the department, pursuant to the~~

54 ~~provisions of this subsection, shall receive its per diem cost of incarceration for all prisoners~~  
55 ~~chargeable to the state in accordance with the provisions of subsections 1, 2, and 3 of this~~  
56 ~~section.] . The reimbursement rate shall not exceed forty dollars per day per prisoner.~~

57 **4. The department of corrections shall receive all submitted requests for**  
58 **reimbursement and review such requests for accuracy and eligibility for reimbursement.**  
59 **Once the requests are deemed accurate and eligible for reimbursement, the department**  
60 **shall pay the requests from funds annually appropriated by the general assembly for such**  
61 **purposes. The department shall make reimbursement payments quarterly. To determine**  
62 **the daily reimbursement rate, the department shall divide the total amount of funding**  
63 **available, not to exceed one-quarter of the total appropriation, by the number of days**  
64 **eligible for reimbursement requested for the previous quarter. All days requested for**  
65 **reimbursement from the previous quarter shall then be paid at the determined rate. Once**  
66 **all requests from the previous quarter are paid at the determined rate, those requests are**  
67 **closed and are ineligible for any further payment at any future time.**

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