

SECOND REGULAR SESSION

HOUSE BILL NO. 2470

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MERIDETH.

4925H.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 incarceration costs.

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Section A. Section 221.105, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 221.105, to read as follows: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 of **post-conviction** incarceration of these prisoners chargeable by the law to the state shall be determined, subject to the review and approval of the department of corrections.

2. [~~When~~] **If** the final determination of any criminal prosecution shall be such as to render the state liable for **post-conviction** costs under existing laws, it shall be the duty of the sheriff to 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 **for post-conviction incarceration**. In any city not within a county, it shall be the duty of the superintendent of any facility boarding prisoners to certify to the chief executive officer of such city not within a county the total number of days any prisoner who was a party in such case remained in such facility. It shall be the duty of the

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

26 3. Except as provided under subsection 6 of section 217.718, the actual **post-**
27 **conviction** costs chargeable to the state, including those incurred for a prisoner who is
28 incarcerated in the county jail because the prisoner's parole or probation has been revoked or
29 because the prisoner has, or allegedly has, violated any condition of the prisoner's parole or
30 probation~~]~~ and such parole or probation is a consequence of a violation of a state statute~~]~~ or
31 ~~[the]~~ **for a prisoner who** is a fugitive from the Missouri department of corrections or **is**
32 otherwise held at the request of the Missouri department of corrections regardless of whether
33 or not a warrant has been issued, shall be the actual cost of incarceration not to exceed:

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

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

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

38 4. The presiding judge of a judicial circuit may propose expenses to be reimbursable
39 by the state on behalf of one or more of the counties in that circuit. Proposed reimbursable
40 expenses may include pretrial assessment and supervision strategies for defendants who are
41 ultimately eligible for state incarceration. A county may not receive more than its share of the
42 amount appropriated in the previous fiscal year, inclusive of expenses proposed by the
43 presiding judge. Any county shall convey such proposal to the department, and any such
44 proposal presented by a presiding judge shall include the documented agreement with the
45 proposal by the county governing body, prosecuting attorney, at least one associate circuit
46 judge, and the officer of the county responsible for custody or incarceration of prisoners of
47 the county represented in the proposal. Any county that declines to convey a proposal to the
48 department, pursuant to the provisions of this subsection, shall receive its per diem cost of
49 incarceration for all prisoners chargeable to the state in accordance with the provisions of
50 subsections 1, 2, and 3 of this section.

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