

SECOND REGULAR SESSION

# HOUSE BILL NO. 2558

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SPARKS.

5310H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

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

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Section A. Section 221.105, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 550.320, to read as follows: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

(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

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.

17 fugitive from the state or otherwise held at the request of the department regardless of  
18 whether or not a warrant has been issued; or

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

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

29 4. The department shall determine if the expenses are eligible pursuant to the  
30 provisions of this chapter and remit any payment to the county or city not within a  
31 county when the expenses are determined to be eligible. The department shall establish,  
32 by rule, the process for submission of claims. Any rule or portion of a rule, as that term  
33 is defined in section 536.010, that is created under the authority delegated in this section  
34 shall become effective only if it complies with and is subject to all of the provisions of  
35 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
36 nonseverable and if any of the powers vested with the general assembly pursuant to  
37 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
38 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
39 proposed or adopted after August 28, 2024, shall be invalid and void.

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

8 ~~2. When the final determination of any criminal prosecution shall be~~  
9 ~~such as to render the state liable for costs under existing laws, it shall be the~~  
10 ~~duty of the sheriff to certify to the clerk of the circuit court or court of common~~  
11 ~~pleas in which the case was determined the total number of days any prisoner~~  
12 ~~who was a party in such case remained in the county jail. It shall be the duty~~  
13 ~~of the county commission to supply the cost per diem for county prisons to the~~  
14 ~~clerk of the circuit court on the first day of each year, and thereafter whenever~~  
15 ~~the amount may be changed. It shall then be the duty of the clerk of the court~~  
16 ~~in which the case was determined to include in the bill of cost against the state~~  
17 ~~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~~

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

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

40 ~~(1) Until July 1, 1996, seventeen dollars per day per prisoner;~~  
41 ~~(2) On and after July 1, 1996, twenty dollars per day per prisoner;~~  
42 ~~(3) On and after July 1, 1997, up to thirty seven dollars and fifty cents~~  
43 ~~per day per prisoner, subject to appropriations.~~

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

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