

FIRST REGULAR SESSION

# HOUSE BILL NO. 952

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CHAPPELL.

2102H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 211.351 and 211.393, RSMo, and to enact in lieu thereof three new sections relating to juvenile officers.

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

Section A. Sections 211.351 and 211.393, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 211.349, 211.351, and 211.393, to read as  
3 follows:

**211.349. 1. (1) The election authority of the city of St. Louis and each county  
2 shall, on the first Tuesday after the first Monday in November of 2024, submit to the  
3 voters in such city or county the question of whether the juvenile officer of the judicial  
4 circuit with jurisdiction over such city or county shall become an elected nonpartisan  
5 position and not an appointed position.**

**6 (2) The question submitted shall be in substantially the following form: "Shall  
7 the juvenile officer of the (insert judicial circuit number) judicial circuit become an  
8 elected nonpartisan position?"**

**9 (3) If a majority of all registered voters in the judicial circuit voting on the  
10 question approve the change from an appointed to an elected position, the juvenile  
11 officer in such judicial circuit shall become an elected nonpartisan position and the  
12 election authority shall follow the procedures described in subsection 2 of this section. If  
13 a majority of all registered voters in the judicial circuit voting on the question reject the  
14 change from an appointed to an elected position, the juvenile officer position shall  
15 remain an appointed position and no similar question shall be submitted to the voters of  
16 the judicial circuit.**

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           **2. (1) After approval of a question submitted under subsection 1 of this section,**  
18 **the election authority of each county or city not within a county within the judicial**  
19 **circuit that has approved the change to an elected nonpartisan juvenile officer shall**  
20 **cause an election for the juvenile officer of the judicial circuit to be held on the general**  
21 **municipal election day in April of 2025 and every four years thereafter. On the first day**  
22 **available for candidate filing for the general municipal election, any resident of such**  
23 **judicial circuit who meets the qualifications provided for under subdivision (2) of**  
24 **subsection 1 of section 211.361 for an appointed juvenile officer may file as a candidate**  
25 **for election to the position of juvenile officer. At the end of the time available for**  
26 **candidate filing, if no more than one candidate for juvenile officer has filed for such**  
27 **position to be filled by the election, no election shall be held and the candidate shall**  
28 **assume the responsibilities of the position at the same time and in the same manner as**  
29 **provided in section 115.124.**

30           **(2) When the election is held on the general municipal election day, the candidate**  
31 **who receives a majority of the votes cast by the voters of the judicial circuit shall be**  
32 **elected. A juvenile officer elected under this section shall serve a term of four years.**  
33 **Each juvenile officer shall serve until a successor is duly elected and qualified or the**  
34 **juvenile officer vacates the position. Any vacancy that occurs before the end of the**  
35 **juvenile officer's term shall be filled as provided in subdivision (3) of this subsection.**

36           **(3) In the event of a vacancy caused by death, resignation, or otherwise for the**  
37 **juvenile officer position, the judges of the circuit shall appoint an eligible person to such**  
38 **position, who shall discharge the duties thereof until the next general municipal election**  
39 **and who shall hold his or her position until his or her successor is duly elected and**  
40 **qualified, unless sooner removed.**

41           **(4) All other provisions applicable to appointed juvenile officers that are not in**  
42 **conflict with this section shall apply to elected juvenile officers.**

211.351. 1. The court or the family court administrator in circuits where a family  
2 court administrator has been appointed to act as the appointing authority under section  
3 487.060 shall appoint a juvenile officer and other necessary juvenile court personnel to serve  
4 under the direction of the court in each county of the first and second class and the circuit  
5 judge in circuits comprised of third and fourth class counties:

6           (1) May appoint a juvenile officer and other necessary personnel to serve the judicial  
7 circuit; or

8           (2) Circuit judges of any two or more adjoining circuits may by agreement, confirmed  
9 by judicial order, appoint a juvenile officer and other necessary personnel to serve their  
10 respective judicial circuits and, in such a case, the juvenile officers and other persons  
11 appointed shall serve under the joint direction of the judges so agreeing.

12           2. The presiding judge of the circuit shall ensure that any case in the family court or  
13 juvenile court division in which a juvenile officer is a participant is not heard by a judge who  
14 is the appointing authority for the juvenile officer or other necessary juvenile employees.

15           3. In the event a juvenile officer and other juvenile court personnel are appointed to  
16 serve as provided in subdivisions (1) and (2) of subsection 1 of this section, the total cost to  
17 the counties for the compensation of these persons shall be prorated among the several  
18 counties and upon a ratio to be determined by a comparison of the respective populations of  
19 the counties.

20           4. In each judicial circuit, a grievance review committee shall be appointed by the  
21 circuit court en banc to serve as final administrative authority of a grievance regarding  
22 personnel policy or action that negatively affects an employee of the family court and/or  
23 juvenile court who is not governed by the Missouri circuit court personnel system. The  
24 grievance review committee may be comprised of either the circuit court en banc, a  
25 committee of not less than three circuit or associate circuit judges, or other body established  
26 by local court rule.

27           **5. The provisions of this section shall not apply if the juvenile officer is elected as**  
28 **provided under section 211.349.**

211.393. 1. For purposes of this section, the following words and phrases mean:

2           (1) "County retirement plan", any public employees' defined benefit retirement plan  
3 established by law that provides retirement benefits to county or city employees, but not to  
4 include the county employees' retirement system as provided in sections 50.1000 to 50.1200;

5           (2) "Juvenile court employee", any person who is employed by a juvenile court in a  
6 position normally requiring one thousand hours or more of service per year;

7           (3) "Juvenile officer", any juvenile officer **elected as provided under section**  
8 **211.349 or** appointed pursuant to section 211.351;

9           (4) "Multicounty circuit", all other judicial circuits not included in the definition of a  
10 single county circuit;

11           (5) "Single county circuit", a judicial circuit composed of a single county of the first  
12 classification, including the circuit for the city of St. Louis;

13           (6) "State retirement plan", the public employees' retirement plan administered by the  
14 Missouri state employees' retirement system pursuant to chapter 104.

15           2. Juvenile court employees employed in a single county circuit shall be subject to the  
16 following provisions:

17           (1) The juvenile officer employed in such circuits on and prior to July 1, 1999, shall:

18           (a) Be state employees on that portion of their salary received from the state pursuant  
19 to section 211.381, and in addition be county employees on that portion of their salary  
20 provided by the county at a rate determined pursuant to section 50.640;

21 (b) Receive state-provided benefits, including retirement benefits from the state  
22 retirement plan, on that portion of their salary paid by the state and may participate as  
23 members in a county retirement plan on that portion of their salary provided by the county  
24 except any juvenile officer whose service as a juvenile court officer is being credited based on  
25 all salary received from any source in a county retirement plan on June 30, 1999, shall not be  
26 eligible to receive state-provided benefits, including retirement benefits, or any creditable  
27 prior service as described in this section but shall continue to participate in such county  
28 retirement plan;

29 (c) Receive creditable prior service in the state retirement plan for service rendered as  
30 a juvenile court employee prior to July 1, 1999, to the extent they have not already received  
31 credit for such service in a county retirement plan on salary paid to them for such service, if  
32 such service was rendered in a single county circuit or a multicounty circuit; except that if the  
33 juvenile officer forfeited such credit in such county retirement plan prior to being eligible to  
34 receive creditable prior service under this paragraph, they may receive service under this  
35 paragraph;

36 (d) Receive creditable prior service pursuant to paragraph (c) of this subdivision even  
37 though they already have received credit for such creditable service in a county retirement  
38 plan if they elect to forfeit their creditable service from such plan in which case such plan  
39 shall transfer to the state retirement plan an amount equal to the actuarial accrued liability for  
40 the forfeited creditable service, determined as if the person were going to continue to be an  
41 active member of the county retirement plan, less the amount of any refunds of member  
42 contributions;

43 (e) Receive creditable prior service for service rendered as a juvenile court employee  
44 in a multicounty circuit in a position that was financed in whole or in part by a public or  
45 private grant, pursuant to the provisions of paragraph (e) of subdivision (1) of subsection 3 of  
46 this section;

47 (2) Juvenile officers who begin employment for the first time as a juvenile officer in a  
48 single county circuit on or after July 1, 1999, shall:

49 (a) Be county employees and receive salary from the county at a rate determined  
50 pursuant to section 50.640 subject to reimbursement by the state as provided in section  
51 211.381; and

52 (b) Participate as members in the applicable county retirement plan subject to  
53 reimbursement by the state for the retirement contribution due on that portion of salary  
54 reimbursed by the state;

55 (3) All other juvenile court employees who are employed in a single county circuit on  
56 or after July 1, 1999:

57 (a) Shall be county employees and receive a salary from the county at a rate  
58 determined pursuant to section 50.640; and

59 (b) Shall, in accordance with their status as county employees, receive other county-  
60 provided benefits including retirement benefits from the applicable county retirement plan if  
61 such employees otherwise meet the eligibility requirements for such benefits;

62 (4) (a) The state shall reimburse each county comprised of a single county circuit for  
63 an amount equal to the greater of:

64 a. Twenty-five percent of such circuit's total juvenile court personnel budget,  
65 excluding the salary for a juvenile officer, for calendar year 1997, and excluding all costs of  
66 retirement, health and other fringe benefits; or

67 b. The sum of the salaries of one chief deputy juvenile officer and one deputy juvenile  
68 officer class I, as provided in section 211.381;

69 (b) The state may reimburse a single county circuit up to fifty percent of such circuit's  
70 total calendar year 1997 juvenile court personnel budget, subject to appropriations. The state  
71 may reimburse, subject to appropriations, the following percentages of such circuits' total  
72 juvenile court personnel budget, expended for calendar year 1997, excluding the salary for a  
73 juvenile officer, and excluding all costs of retirement, health and other fringe benefits: thirty  
74 percent beginning July 1, 2000, until June 30, 2001; forty percent beginning July 1, 2001,  
75 until June 30, 2002; fifty percent beginning July 1, 2002; however, no county shall receive  
76 any reimbursement from the state in an amount less than the greater of:

77 a. Twenty-five percent of the total juvenile court personnel budget of the single  
78 county circuit expended for calendar year 1997, excluding fringe benefits; or

79 b. The sum of the salaries of one chief deputy juvenile officer and one deputy juvenile  
80 officer class I, as provided in section 211.381;

81 (5) Each single county circuit shall file a copy of its initial 1997 and each succeeding  
82 year's budget with the office of the state courts administrator after January first each year and  
83 prior to reimbursement. The office of the state courts administrator shall make payment for  
84 the reimbursement from appropriations made for that purpose on or before July fifteenth of  
85 each year following the calendar year in which the expenses were made. The office of the  
86 state courts administrator shall submit the information from the budgets relating to full-time  
87 juvenile court personnel from each county to the general assembly;

88 (6) Any single county circuit may apply to the office of the state courts administrator  
89 to become subject to subsection 3 of this section, and such application shall be approved  
90 subject to appropriation of funds for that purpose;

91 (7) The state auditor may audit any single county circuit to verify compliance with the  
92 requirements of this section, including an audit of the 1997 budget.

93           3. Juvenile court employees in multicounty circuits shall be subject to the following  
94 provisions:

95           (1) Juvenile court employees including detention personnel hired in 1998 in those  
96 multicounty circuits who began actual construction on detention facilities in 1996, employed  
97 in a multicounty circuit on or after July 1, 1999, shall:

98           (a) Not be state employees unless they receive all salary from the state, which shall  
99 include any salary as provided in section 211.381 in addition to any salary provided by the  
100 applicable county or counties during calendar year 1997 and any general salary increase  
101 approved by the state of Missouri for fiscal year 1999 and fiscal year 2000;

102           (b) Participate in the state retirement plan;

103           (c) Receive creditable prior service in the state retirement plan for service rendered as  
104 a juvenile court employee prior to July 1, 1999, to the extent they have not already received  
105 credit for such service in a county retirement plan on salary paid to them for such service if  
106 such service was rendered in a single county circuit or a multicounty circuit, except that if  
107 they forfeited such credit in such county retirement plan prior to being eligible to receive  
108 creditable prior service under this paragraph, they may receive creditable service under this  
109 paragraph;

110           (d) Receive creditable prior service pursuant to paragraph (c) of this subdivision even  
111 though they already have received credit for such creditable service in a county retirement  
112 plan if they elect within six months from the date they become participants in the state  
113 retirement plan pursuant to this section to forfeit their service from such plan in which case  
114 such plan shall transfer to the state retirement plan an amount equal to the actuarial accrued  
115 liability for the forfeited creditable service, determined as if the person was going to continue  
116 to be an active member of the county retirement plan, less the amount of any refunds of  
117 member contributions;

118           (e) Receive creditable prior service for service rendered as a juvenile court employee  
119 in a multicounty circuit in a position that was financed in whole or in part by a public or  
120 private grant to the extent they have not already received credit for such service in a county  
121 retirement plan on salary paid to them for such service except that if they:

122           a. Forfeited such credit in such county retirement plan prior to being eligible to  
123 receive creditable service under this paragraph, they may receive creditable service under  
124 paragraph (e) of this subdivision;

125           b. Received credit for such creditable service in a county retirement plan, they may  
126 not receive creditable prior service pursuant to paragraph (e) of this subdivision unless they  
127 elect to forfeit their service from such plan, in which case such plan shall transfer to the state  
128 retirement plan an amount equal to the actuarial liability for the forfeited creditable service,

129 determined as if the person was going to continue to be an active member of the county  
130 retirement plan, less the amount of any refunds of member contributions;

131 c. Terminated employment prior to August 28, 2007, and apply to the board of  
132 trustees of the state retirement plan to be made and employed as a special consultant and be  
133 available to give opinions regarding retirement they may receive creditable service under  
134 paragraph (e) of this subdivision;

135 d. Retired prior to August 28, 2007, and apply to the board of trustees of the state  
136 retirement plan to be made and employed as a special consultant and be available to give  
137 opinions regarding retirement, they shall have their retirement benefits adjusted so they  
138 receive retirement benefits equal to the amount they would have received had their retirement  
139 benefit been initially calculated to include such creditable prior service; or

140 e. Purchased creditable prior service pursuant to section 104.344 or section 105.691  
141 based on service as a juvenile court employee in a position that was financed in whole or in  
142 part by a public or private grant, they shall receive a refund based on the amount paid for such  
143 purchased service;

144 (2) Juvenile court employee positions added after December 31, 1997, shall be  
145 terminated and not subject to the provisions of subdivision (1) of this subsection, unless the  
146 office of the state courts administrator requests and receives an appropriation specifically for  
147 such positions;

148 (3) The salary of any juvenile court employee who becomes a state employee,  
149 effective July 1, 1999, shall be limited to the salary provided by the state of Missouri, which  
150 shall be set in accordance with guidelines established by the state pursuant to a salary survey  
151 conducted by the office of the state courts administrator, but such salary shall in no event be  
152 less than the amount specified in paragraph (a) of subdivision (1) of this subsection.  
153 Notwithstanding any provision to the contrary in subsection 1 of section 211.394, such  
154 employees shall not be entitled to additional compensation paid by a county as a public  
155 officer or employee. Such employees shall be considered employees of the judicial branch of  
156 state government for all purposes;

157 (4) All other employees of a multicounty circuit who are not juvenile court employees  
158 as defined in subsection 1 of this section shall be county employees subject to the county's  
159 own terms and conditions of employment;

160 (5) In a single county circuit that changed from a multicounty circuit on or after  
161 August 28, 2016, any juvenile court employee, who receives all salary from the state, shall be  
162 a state employee, receive state-provided benefits under this subsection, including retirement  
163 benefits from the state retirement plan, and not be subject to subsection 2 of this section while  
164 employed in that circuit.

165 4. The receipt of creditable prior service as described in paragraph (c) of subdivision  
166 (1) of subsection 2 of this section and paragraph (c) of subdivision (1) of subsection 3 of this  
167 section is contingent upon the office of the state courts administrator providing the state  
168 retirement plan information, in a form subject to verification and acceptable to the state  
169 retirement plan, indicating the dates of service and amount of monthly salary paid to each  
170 juvenile court employee for such creditable prior service.

171 5. No juvenile court employee employed by any single or multicounty circuit shall be  
172 eligible to participate in the county employees' retirement system fund pursuant to sections  
173 50.1000 to 50.1200.

174 6. Each county in every circuit in which a juvenile court employee becomes a state  
175 employee shall maintain each year in the local juvenile court budget an amount, defined as  
176 "maintenance of effort funding", not less than the total amount budgeted for all employees of  
177 the juvenile court including any juvenile officer, deputy juvenile officer, or other juvenile  
178 court employees in calendar year 1997, minus the state reimbursements as described in this  
179 section received for the calendar year 1997 personnel costs for the salaries of all such juvenile  
180 court employees who become state employees. The juvenile court shall provide a proposed  
181 budget to the county commission each year. The budget shall contain a separate section  
182 specifying all funds to be expended in the juvenile court. Such funding may be used for  
183 contractual costs for detention services, guardians ad litem, transportation costs for those  
184 circuits without detention facilities to transport children to and from detention and hearings,  
185 short-term residential services, indebtedness for juvenile facilities, expanding existing  
186 detention facilities or services, continuation of services funded by public grants or subsidy,  
187 and enhancing the court's ability to provide prevention, probation, counseling and treatment  
188 services. The county commission may review such budget and may appeal the proposed  
189 budget to the judicial finance commission pursuant to section 50.640.

190 7. Any person who is employed on or after July 1, 1999, in a position covered by the  
191 state retirement plan or the **Missouri department of transportation** [~~department~~] and highway  
192 patrol **employees'** retirement system and who has rendered service as a juvenile court  
193 employee in a judicial circuit that was not a single county of the first classification shall be  
194 eligible to receive creditable prior service in such plan or system as provided in subsections 2  
195 and 3 of this section. For purposes of this subsection, the provisions of paragraphs (c) and (d)  
196 of subdivision (1) of subsection 2 of this section and paragraphs (c) and (d) of subdivision (1)  
197 of subsection 3 of this section that apply to the state retirement plan shall also apply to the  
198 **Missouri department of transportation** [~~department~~] and highway patrol **employees'**  
199 retirement system.



200           8. (1) Any juvenile officer who is employed as a state employee in a multicounty  
201 circuit on or after July 1, 1999, shall not be eligible to participate in the state retirement plan  
202 as provided by this section unless such juvenile officer elects to:

203           (a) Receive retirement benefits from the state retirement plan based on all years of  
204 service as a juvenile officer and a final average salary which shall include salary paid by the  
205 county and the state; and

206           (b) Forfeit any county retirement benefits from any county retirement plan based on  
207 service rendered as a juvenile officer.

208           (2) Upon making the election described in this subsection, the county retirement plan  
209 shall transfer to the state retirement plan an amount equal to the actuarial accrued liability for  
210 the forfeited creditable service determined as if the person was going to continue to be an  
211 active member of the county retirement plan, less the amount of any refunds of member  
212 contributions.

213           9. The elections described in this section shall be made on forms developed and made  
214 available by the state retirement plan.

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