SENATE BILL NO. 684

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4659S.01I

AN ACT

To repeal section 211.073, RSMo, and to enact in lieu thereof one new section relating to requirements of the court in certain juvenile criminal cases.

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

Section A. Section 211.073, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 211.073, to read as follows:

211.073. 1. **[**The court shall,**]** In a case when the offender is under
2 seventeen years and six months of age and has been transferred to a court of
3 general jurisdiction pursuant to section 211.071, and whose prosecution results
4 in a conviction or a plea of guilty, **[**consider**] the court shall order an**
5 **evaluation by the division of youth services to determine whether** dual
6 jurisdiction of both the criminal and juvenile codes, as set forth in this section**,**
7 **is appropriate for the offender**. The court is authorized to impose a juvenile
8 disposition under this chapter and simultaneously impose an adult criminal
9 sentence, the execution of which shall be suspended pursuant to the provisions
10 of this section. Successful completion of the juvenile disposition ordered shall be
11 a condition of the suspended adult criminal sentence. The court may order an
12 offender into the custody of the division of youth services pursuant to this section:
13 　　(1) Upon agreement of the division of youth services; and
14 　　(2) If the division of youth services determines that there is space
15 available in a facility designed to serve offenders sentenced under this section.
16 If the division of youth services agrees to accept a youth and the court does not
17 impose a juvenile disposition, the court shall make findings on the record as to
18 why the division of youth services was not appropriate for the offender prior to
19 imposing the adult criminal sentence.

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

20   2. If there is probable cause to believe that the offender has violated a
21 condition of the suspended sentence or committed a new offense, the court shall
22 conduct a hearing on the violation charged, unless the offender waives such
23 hearing. If the violation is established and found the court may continue or
24 revoke the juvenile disposition, impose the adult criminal sentence, or enter such
25 other order as it may see fit.

26   3. When an offender has received a suspended sentence pursuant to this
27 section and the division determines the child is beyond the scope of its treatment
28 programs, the division of youth services may petition the court for a transfer of
29 custody of the offender. The court shall hold a hearing and shall:

30   (1) Revoke the suspension and direct that the offender be taken into
31 immediate custody of the department of corrections; or

32   (2) Direct that the offender be placed on probation.

33   4. When an offender who has received a suspended sentence reaches the
34 age of seventeen, the court shall hold a hearing. The court shall:

35   (1) Revoke the suspension and direct that the offender be taken into
36 immediate custody of the department of corrections;

37   (2) Direct that the offender be placed on probation; or

38   (3) Direct that the offender remain in the custody of the division of youth
39 services if the division agrees to such placement.

40   5. The division of youth services shall petition the court for a hearing
41 before it releases an offender who comes within subsection 1 of this section at any
42 time before the offender reaches the age of twenty-one years. The court shall:

43   (1) Revoke the suspension and direct that the offender be taken into
44 immediate custody of the department of corrections; or

45   (2) Direct that the offender be placed on probation.

46   6. If the suspension of the adult criminal sentence is revoked, all time
47 served by the offender under the juvenile disposition shall be credited toward the
48 adult criminal sentence imposed.

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