

SECOND REGULAR SESSION

# SENATE BILL NO. 793

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Pre-filed December 12, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5340S.011

## AN ACT

To repeal sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, and 221.044, RSMo, and to enact in lieu thereof eighteen new sections relating to juvenile court proceedings, with penalty provisions and a delayed effective date.

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

Section A. Sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, and 221.044, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, and 221.044, to read as follows:

211.021. [1.] As used in this chapter, unless the context clearly requires otherwise:

(1) "Adult" means a person [seventeen] **eighteen** years of age or older [except for seventeen-year-old children as defined in this section];

(2) "Child" means any person under [seventeen] **eighteen** years of age [and shall mean, in addition, any person over seventeen but not yet eighteen years of age alleged to have committed a status offense];

(3) "Juvenile court" means the juvenile division or divisions of the circuit court of the county, or judges while hearing juvenile cases assigned to them;

(4) "Legal custody" means the right to the care, custody and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education, treatment and discipline of a child. Legal custody may be taken from

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

13 a parent only by court action and if the legal custody is taken from a parent  
14 without termination of parental rights, the parent's duty to provide support  
15 continues even though the person having legal custody may provide the  
16 necessities of daily living;

17 (5) "Parent" means either a natural parent or a parent by adoption and  
18 if the child is illegitimate, "parent" means the mother;

19 (6) "Shelter care" means the temporary care of juveniles in physically  
20 unrestricting facilities pending final court disposition. These facilities may  
21 include:

22 (a) "Foster home", the private home of foster parents providing  
23 twenty-four-hour care to one to three children unrelated to the foster parents by  
24 blood, marriage or adoption;

25 (b) "Group foster home", the private home of foster parents providing  
26 twenty-four-hour care to no more than six children unrelated to the foster parents  
27 by blood, marriage or adoption;

28 (c) "Group home", a child care facility which approximates a family  
29 setting, provides access to community activities and resources, and provides care  
30 to no more than twelve children[;

31 (7) "Status offense", any offense as described in subdivision (2) of  
32 subsection 1 of section 211.031.

33 2. The amendments to subsection 1 of this section, as provided for in this  
34 act, shall not take effect until such time as appropriations by the general  
35 assembly for additional juvenile officer full-time equivalents and deputy juvenile  
36 officer full-time equivalents shall exceed by one million nine hundred thousand  
37 dollars the amount spent by the state for such officers in fiscal year 2007 and  
38 appropriations by the general assembly to single first class counties for juvenile  
39 court personnel costs shall exceed by one million nine hundred thousand dollars  
40 the amount spent by the state for such juvenile court personnel costs in fiscal  
41 year 2007 and notice of such appropriations has been given to the revisor of  
42 statutes].

211.031. 1. Except as otherwise provided in this chapter, the juvenile  
2 court or the family court in circuits that have a family court as provided in  
3 sections 487.010 to 487.190 shall have exclusive original jurisdiction in  
4 proceedings:

5 (1) Involving any child [or person seventeen years of age] who may be a  
6 resident of or found within the county and who is alleged to be in need of care

7 and treatment because:

8 (a) The parents, or other persons legally responsible for the care and  
9 support of the child [or person seventeen years of age], neglect or refuse to  
10 provide proper support, education which is required by law, medical, surgical or  
11 other care necessary for his or her well-being; except that reliance by a parent,  
12 guardian or custodian upon remedial treatment other than medical or surgical  
13 treatment for a child [or person seventeen years of age] shall not be construed as  
14 neglect when the treatment is recognized or permitted pursuant to the laws of  
15 this state;

16 (b) The child [or person seventeen years of age] is otherwise without  
17 proper care, custody or support; [or]

18 (c) The child [or person seventeen years of age] was living in a room,  
19 building or other structure at the time such dwelling was found by a court of  
20 competent jurisdiction to be a public nuisance pursuant to section 195.130; **or**

21 (d) The child [or person seventeen years of age is a child] **is** in need of  
22 mental health services and the parent, guardian or custodian is unable to afford  
23 or access appropriate mental health treatment or care for the child;

24 (2) Involving any child who may be a resident of or found within the  
25 county and who is alleged to be in need of care and treatment because:

26 (a) The child while subject to compulsory school attendance is repeatedly  
27 and without justification absent from school; [or]

28 (b) The child disobeys the reasonable and lawful directions of his or her  
29 parents or other custodian and is beyond their control; [or]

30 (c) The child is habitually absent from his or her home without sufficient  
31 cause, permission, or justification; [or]

32 (d) The behavior or associations of the child are otherwise injurious to his  
33 or her welfare or to the welfare of others; or

34 (e) The child is charged with an offense not classified as criminal, or with  
35 an offense applicable only to children; except that, the juvenile court shall not  
36 have jurisdiction over any child fifteen years of age who is alleged to have  
37 violated a state or municipal traffic ordinance or regulation, the violation of  
38 which does not constitute a felony, or any child who is alleged to have violated a  
39 state or municipal ordinance or regulation prohibiting possession or use of any  
40 tobacco product;

41 (3) Involving any child who is alleged to have violated a state law or  
42 municipal ordinance, or any person who is alleged to have violated a state law or

43 municipal ordinance prior to attaining the age of [seventeen] **eighteen** years, in  
44 which cases jurisdiction may be taken by the court of the circuit in which the  
45 child or person resides or may be found or in which the violation is alleged to  
46 have occurred; except that, the juvenile court shall not have jurisdiction over any  
47 child fifteen years of age who is alleged to have violated a state or municipal  
48 traffic ordinance or regulation, the violation of which does not constitute a felony,  
49 and except that the juvenile court shall have concurrent jurisdiction with the  
50 municipal court over any child who is alleged to have violated a municipal curfew  
51 ordinance, and except that the juvenile court shall have concurrent jurisdiction  
52 with the circuit court on any child who is alleged to have violated a state or  
53 municipal ordinance or regulation prohibiting possession or use of any tobacco  
54 product;

55 (4) For the adoption of a person;

56 (5) For the commitment of a child [or person seventeen years of age] to  
57 the guardianship of the department of social services as provided by law; and

58 (6) Involving an order of protection pursuant to chapter 455 when the  
59 respondent is less than [seventeen] **eighteen** years of age.

60 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child  
61 [or person seventeen years of age] who resides in a county of this state shall be  
62 made as follows:

63 (1) Prior to the filing of a petition and upon request of any party or at the  
64 discretion of the juvenile officer, the matter in the interest of a child [or person  
65 seventeen years of age] may be transferred by the juvenile officer, with the prior  
66 consent of the juvenile officer of the receiving court, to the county of the child's  
67 residence [or the residence of the person seventeen years of age] for future action;

68 (2) Upon the motion of any party or on its own motion prior to final  
69 disposition on the pending matter, the court in which a proceeding is commenced  
70 may transfer the proceeding of a child [or person seventeen years of age] to the  
71 court located in the county of the child's residence [or the residence of the person  
72 seventeen years of age], or the county in which the offense pursuant to  
73 subdivision (3) of subsection 1 of this section is alleged to have occurred for  
74 further action;

75 (3) Upon motion of any party or on its own motion, the court in which  
76 jurisdiction has been taken pursuant to subsection 1 of this section may at any  
77 time thereafter transfer jurisdiction of a child [or person seventeen years of age]  
78 to the court located in the county of the child's residence [or the residence of the

79 person seventeen years of age] for further action with the prior consent of the  
80 receiving court;

81 (4) Upon motion of any party or upon its own motion at any time following  
82 a judgment of disposition or treatment pursuant to section 211.181, the court  
83 having jurisdiction of the cause may place the child [or person seventeen years  
84 of age] under the supervision of another juvenile court within or without the state  
85 pursuant to section 210.570 with the consent of the receiving court;

86 (5) Upon motion of any child [or person seventeen years of age] or his or  
87 her parent, the court having jurisdiction shall grant one change of judge pursuant  
88 to Missouri supreme court rules;

89 (6) Upon the transfer of any matter, proceeding, jurisdiction or  
90 supervision of a child [or person seventeen years of age], certified copies of all  
91 legal and social documents and records pertaining to the case on file with the  
92 clerk of the transferring juvenile court shall accompany the transfer.

93 3. In any proceeding involving any child [or person seventeen years of  
94 age] taken into custody in a county other than the county of the child's residence  
95 [or the residence of a person seventeen years of age], the juvenile court of the  
96 county of the child's residence [or the residence of a person seventeen years of  
97 age] shall be notified of such taking into custody within seventy-two hours.

98 4. When an investigation by a juvenile officer pursuant to this section  
99 reveals that the only basis for action involves an alleged violation of section  
100 167.031 involving a child who alleges to be home schooled, the juvenile officer  
101 shall contact a parent or parents of such child to verify that the child is being  
102 home schooled and not in violation of section 167.031 before making a report of  
103 such a violation. Any report of a violation of section 167.031 made by a juvenile  
104 officer regarding a child who is being home schooled shall be made to the  
105 prosecuting attorney of the county where the child legally resides.

106 5. The disability or disease of a parent shall not constitute a basis for a  
107 determination that a child is a child in need of care or for the removal of custody  
108 of a child from the parent without a specific showing that there is a causal  
109 relation between the disability or disease and harm to the child.

211.032. 1. Except as otherwise provided in a circuit participating in a  
2 pilot project established by the Missouri supreme court, when a child [or person  
3 seventeen years of age], alleged to be in need of care and treatment pursuant to  
4 subdivision (1) of subsection 1 of section 211.031, is taken into custody, the  
5 juvenile or family court shall notify the parties of the right to have a protective

6 custody hearing. Such notification shall be in writing.

7           2. Upon request from any party, the court shall hold a protective custody  
8 hearing. Such hearing shall be held within three days of the request for a  
9 hearing, excluding Saturdays, Sundays and legal holidays. For circuits  
10 participating in a pilot project established by the Missouri supreme court, the  
11 parties shall be notified at the status conference of their right to request a  
12 protective custody hearing.

13           3. No later than February 1, 2005, the Missouri supreme court shall  
14 require a mandatory court proceeding to be held within three days, excluding  
15 Saturdays, Sundays, and legal holidays, in all cases under subdivision (1) of  
16 subsection 1 of section 211.031. The Missouri supreme court shall promulgate  
17 rules for the implementation of such mandatory court proceedings and may  
18 consider recommendations from any pilot projects established by the Missouri  
19 supreme court regarding such proceedings. Nothing in this subsection shall  
20 prevent the Missouri supreme court from expanding pilot projects prior to the  
21 implementation of this subsection.

22           4. The court shall hold an adjudication hearing no later than sixty days  
23 after the child has been taken into custody. The court shall notify the parties in  
24 writing of the specific date, time, and place of such hearing. If at such hearing  
25 the court determines that sufficient cause exists for the child to remain in the  
26 custody of the state, the court shall conduct a dispositional hearing no later than  
27 ninety days after the child has been taken into custody and shall conduct review  
28 hearings regarding the reunification efforts made by the division every ninety to  
29 one hundred twenty days for the first year the child is in the custody of the  
30 division. After the first year, review hearings shall be held as necessary, but in  
31 no event less than once every six months for as long as the child is in the custody  
32 of the division.

33           5. At all hearings held pursuant to this section the court may receive  
34 testimony and other evidence relevant to the necessity of detaining the child out  
35 of the custody of the parents, guardian or custodian.

36           6. By January 1, 2005, the supreme court shall develop rules regarding  
37 the effect of untimely hearings.

38           7. If the placement of any child in the custody of the children's division  
39 will result in the child attending a school other than the school the child was  
40 attending when taken into custody:

41           (1) The child's records from such school shall automatically be forwarded

42 to the school that the child is transferring to upon notification within two  
43 business days by the division; or

44 (2) Upon request of the foster family, the guardian ad litem, or the  
45 volunteer advocate and whenever possible, the child shall be permitted to  
46 continue to attend the same school that the child was enrolled in and attending  
47 at the time the child was taken into custody by the division. The division, in  
48 consultation with the department of elementary and secondary education, shall  
49 establish the necessary procedures to implement the provisions of this subsection.

211.033. 1. No person under the age of [~~seventeen~~] **eighteen** years,  
2 except those transferred to the court of general jurisdiction under the provisions  
3 of section 211.071 shall be detained in a jail or other adult detention facility as  
4 that term is defined in section 211.151. A traffic court judge may request the  
5 juvenile court to order the commitment of a person under the age of [~~seventeen~~]  
6 **eighteen** to a juvenile detention facility.

7 2. Nothing in this section shall be construed as creating any civil or  
8 criminal liability for any law enforcement officer, juvenile officer, school  
9 personnel, or court personnel for any action taken or failure to take any action  
10 involving a minor child who remains under the jurisdiction of the juvenile court  
11 under this section if such action or failure to take action is based on a good faith  
12 belief by such officer or personnel that the minor child is not under the  
13 jurisdiction of the juvenile court.

14 [3. The amendments to subsection 2 of this section, as provided for in this  
15 act, shall not take effect until such time as the provisions of section 211.021 shall  
16 take effect in accordance with subsection 2 of section 211.021.]

211.041. When jurisdiction over the person of a child has been acquired  
2 by the juvenile court under the provisions of this chapter in proceedings coming  
3 within the applicable provisions of section 211.031, the jurisdiction of the child  
4 may be retained for the purpose of this chapter until he or she has attained the  
5 age of twenty-one years, except in cases where he or she is committed to and  
6 received by the division of youth services, unless jurisdiction has been returned  
7 to the committing court by provisions of chapter 219 through requests of the court  
8 to the division of youth services and except in any case where he or she has not  
9 paid an assessment imposed in accordance with section 211.181 or in cases where  
10 the judgment for restitution entered in accordance with section 211.185 has not  
11 been satisfied. Every child over whose person the juvenile court retains  
12 jurisdiction shall be prosecuted under the general law for any violation of a state

13 law or of a municipal ordinance which he or she commits after he or she becomes  
14 [seventeen] **eighteen** years of age. The juvenile court shall have no jurisdiction  
15 with respect to any such violation and, so long as it retains jurisdiction of the  
16 child, shall not exercise its jurisdiction in such a manner as to conflict with any  
17 other court's jurisdiction as to any such violation.

211.061. 1. When a child is taken into custody with or without warrant  
2 for an offense, the child, together with any information concerning the child and  
3 the personal property found in the child's possession, shall be taken immediately  
4 and directly before the juvenile court or delivered to the juvenile officer or person  
5 acting for [him] **the child**.

6 2. If any person is taken before a circuit or associate circuit judge not  
7 assigned to juvenile court or a municipal judge, and it is then, or at any time  
8 thereafter, ascertained that he or she was under the age of [seventeen] **eighteen**  
9 years at the time he or she is alleged to have committed the offense, or that he  
10 or she is subject to the jurisdiction of the juvenile court as provided by this  
11 chapter, it is the duty of the judge forthwith to transfer the case or refer the  
12 matter to the juvenile court, and direct the delivery of such person, together with  
13 information concerning him or her and the personal property found in his or her  
14 possession, to the juvenile officer or person acting as such.

15 3. When the juvenile court is informed that a child is in detention it shall  
16 examine the reasons therefor and shall immediately:

17 (1) Order the child released; or

18 (2) Order the child continued in detention until a detention hearing is  
19 held. An order to continue the child in detention shall only be entered upon the  
20 filing of a petition or motion to modify and a determination by the court that  
21 probable cause exists to believe that the child has committed acts specified in the  
22 petition or motion that bring the child within the jurisdiction of the court under  
23 subdivision (2) or (3) of subsection 1 of section 211.031.

24 4. A juvenile shall not remain in detention for a period greater than  
25 twenty-four hours unless the court orders a detention hearing. If such hearing  
26 is not held within three days, excluding Saturdays, Sundays and legal holidays,  
27 the juvenile shall be released from detention unless the court for good cause  
28 orders the hearing continued. The detention hearing shall be held within the  
29 judicial circuit at a date, time and place convenient to the court. Notice of the  
30 date, time and place of a detention hearing, and of the right to counsel, shall be  
31 given to the juvenile and his or her custodian in person, by telephone, or by such



32 other expeditious method as is available.

211.071. 1. If a petition alleges that a child between the ages of twelve  
2 and [seventeen] **eighteen** has committed an offense which would be considered  
3 a felony if committed by an adult, the court may, upon its own motion or upon  
4 motion by the juvenile officer, the child or the child's custodian, order a hearing  
5 and may, in its discretion, dismiss the petition and such child may be transferred  
6 to the court of general jurisdiction and prosecuted under the general law; except  
7 that if a petition alleges that any child has committed an offense which would be  
8 considered first degree murder under section 565.020, second degree murder  
9 under section 565.021, first degree assault under section 565.050, forcible rape  
10 under section 566.030 as it existed prior to August 28, 2013, rape in the first  
11 degree under section 566.030, forcible sodomy under section 566.060 as it existed  
12 prior to August 28, 2013, sodomy in the first degree under section 566.060, first  
13 degree robbery under section 569.020 **as it existed prior to January 1, 2017,**  
14 **or robbery in the first degree under section 570.023,** [or] distribution of  
15 drugs under section 195.211 **as it existed prior to January 1, 2017, or the**  
16 **manufacturing of a controlled substance under section 579.055,** or has  
17 committed two or more prior unrelated offenses which would be felonies if  
18 committed by an adult, the court shall order a hearing, and may in its discretion,  
19 dismiss the petition and transfer the child to a court of general jurisdiction for  
20 prosecution under the general law.

21 2. Upon apprehension and arrest, jurisdiction over the criminal offense  
22 allegedly committed by any person between [seventeen] **eighteen** and twenty-one  
23 years of age over whom the juvenile court has retained continuing jurisdiction  
24 shall automatically terminate and that offense shall be dealt with in the court of  
25 general jurisdiction as provided in section 211.041.

26 3. Knowing and willful age misrepresentation by a juvenile subject shall  
27 not affect any action or proceeding which occurs based upon the  
28 misrepresentation. Any evidence obtained during the period of time in which a  
29 child misrepresents his or her age may be used against the child and will be  
30 subject only to rules of evidence applicable in adult proceedings.

31 4. Written notification of a transfer hearing shall be given to the juvenile  
32 and his or her custodian in the same manner as provided in sections 211.101 and  
33 211.111. Notice of the hearing may be waived by the custodian. Notice shall  
34 contain a statement that the purpose of the hearing is to determine whether the  
35 child is a proper subject to be dealt with under the provisions of this chapter, and

36 that if the court finds that the child is not a proper subject to be dealt with under  
37 the provisions of this chapter, the petition will be dismissed to allow for  
38 prosecution of the child under the general law.

39 5. The juvenile officer may consult with the office of prosecuting attorney  
40 concerning any offense for which the child could be certified as an adult under  
41 this section. The prosecuting or circuit attorney shall have access to police  
42 reports, reports of the juvenile or deputy juvenile officer, statements of witnesses  
43 and all other records or reports relating to the offense alleged to have been  
44 committed by the child. The prosecuting or circuit attorney shall have access to  
45 the disposition records of the child when the child has been adjudicated pursuant  
46 to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney  
47 shall not divulge any information regarding the child and the offense until the  
48 juvenile court at a judicial hearing has determined that the child is not a proper  
49 subject to be dealt with under the provisions of this chapter.

50 6. A written report shall be prepared in accordance with this chapter  
51 developing fully all available information relevant to the criteria which shall be  
52 considered by the court in determining whether the child is a proper subject to  
53 be dealt with under the provisions of this chapter and whether there are  
54 reasonable prospects of rehabilitation within the juvenile justice system. These  
55 criteria shall include but not be limited to:

56 (1) The seriousness of the offense alleged and whether the protection of  
57 the community requires transfer to the court of general jurisdiction;

58 (2) Whether the offense alleged involved viciousness, force and violence;

59 (3) Whether the offense alleged was against persons or property with  
60 greater weight being given to the offense against persons, especially if personal  
61 injury resulted;

62 (4) Whether the offense alleged is a part of a repetitive pattern of offenses  
63 which indicates that the child may be beyond rehabilitation under the juvenile  
64 code;

65 (5) The record and history of the child, including experience with the  
66 juvenile justice system, other courts, supervision, commitments to juvenile  
67 institutions and other placements;

68 (6) The sophistication and maturity of the child as determined by  
69 consideration of his **or her** home and environmental situation, emotional  
70 condition and pattern of living;

71 (7) The age of the child;

72 (8) The program and facilities available to the juvenile court in  
73 considering disposition;

74 (9) Whether or not the child can benefit from the treatment or  
75 rehabilitative programs available to the juvenile court; and

76 (10) Racial disparity in certification.

77 7. If the court dismisses the petition to permit the child to be prosecuted  
78 under the general law, the court shall enter a dismissal order containing:

79 (1) Findings showing that the court had jurisdiction of the cause and of  
80 the parties;

81 (2) Findings showing that the child was represented by counsel;

82 (3) Findings showing that the hearing was held in the presence of the  
83 child and his **or her** counsel; and

84 (4) Findings showing the reasons underlying the court's decision to  
85 transfer jurisdiction.

86 8. A copy of the petition and order of the dismissal shall be sent to the  
87 prosecuting attorney.

88 9. When a petition has been dismissed thereby permitting a child to be  
89 prosecuted under the general law and the prosecution of the child results in a  
90 conviction, the jurisdiction of the juvenile court over that child is forever  
91 terminated, except as provided in subsection 10 of this section, for an act that  
92 would be a violation of a state law or municipal ordinance.

93 10. If a petition has been dismissed thereby permitting a child to be  
94 prosecuted under the general law and the child is found not guilty by a court of  
95 general jurisdiction, the juvenile court shall have jurisdiction over any later  
96 offense committed by that child which would be considered a misdemeanor or  
97 felony if committed by an adult, subject to the certification provisions of this  
98 section.

99 11. If the court does not dismiss the petition to permit the child to be  
100 prosecuted under the general law, it shall set a date for the hearing upon the  
101 petition as provided in section 211.171.

211.073. 1. The court shall, in a case when the offender is under  
2 [seventeen] **eighteen** years [and six months] of age and has been transferred to  
3 a court of general jurisdiction pursuant to section 211.071, and whose prosecution  
4 results in a conviction or a plea of guilty, consider dual jurisdiction of both the  
5 criminal and juvenile codes, as set forth in this section. The court is authorized  
6 to impose a juvenile disposition under this chapter and simultaneously impose an

7 adult criminal sentence, the execution of which shall be suspended pursuant to  
8 the provisions of this section. Successful completion of the juvenile disposition  
9 ordered shall be a condition of the suspended adult criminal sentence. The court  
10 may order an offender into the custody of the division of youth services pursuant  
11 to this section:

12 (1) Upon agreement of the division of youth services; and

13 (2) If the division of youth services determines that there is space  
14 available in a facility designed to serve offenders sentenced under this section.  
15 If the division of youth services agrees to accept a youth and the court does not  
16 impose a juvenile disposition, the court shall make findings on the record as to  
17 why the division of youth services was not appropriate for the offender prior to  
18 imposing the adult criminal sentence.

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

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

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

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

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

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

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

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

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

42 (1) Revoke the suspension and direct that the offender be taken into

43 immediate custody of the department of corrections; or

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

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

211.081. 1. Whenever any person informs the juvenile officer in writing  
2 that a child appears to be within the purview of applicable provisions of section  
3 211.031 [or that a person seventeen years of age appears to be within the purview  
4 of the provisions of subdivision (1) of subsection 1 of section 211.031], the juvenile  
5 officer shall make or cause to be made a preliminary inquiry to determine the  
6 facts and to determine whether or not the interests of the public or of the child  
7 [or person seventeen years of age] require that further action be taken. On the  
8 basis of this inquiry, the juvenile officer may make such informal adjustment as  
9 is practicable without a petition or file a petition. Any other provision of this  
10 chapter to the contrary notwithstanding, the juvenile court shall not make any  
11 order for disposition of a child [or person seventeen years of age] which would  
12 place or commit the child [or person seventeen years of age] to any location  
13 outside the state of Missouri without first receiving the approval of the children's  
14 division.

2. Placement in any institutional setting shall represent the least  
16 restrictive appropriate placement for the child [or person seventeen years of age]  
17 and shall be recommended based upon a psychological or psychiatric evaluation  
18 or both. Prior to entering any order for disposition of a child [or person seventeen  
19 years of age] which would order residential treatment or other services inside the  
20 state of Missouri, the juvenile court shall enter findings which include the  
21 recommendation of the psychological or psychiatric evaluation or both; and  
22 certification from the division director or designee as to whether a provider or  
23 funds or both are available, including a projection of their future availability. If  
24 the children's division indicates that funding is not available, the division shall  
25 recommend and make available for placement by the court an alternative  
26 placement for the child [or person seventeen years of age]. The division shall  
27 have the burden of demonstrating that they have exercised due diligence in  
28 utilizing all available services to carry out the recommendation of the evaluation  
29 team and serve the best interest of the child [or person seventeen years of  
30 age]. The judge shall not order placement or an alternative placement with a  
31 specific provider but may reasonably designate the scope and type of the services

32 which shall be provided by the department to the child [or person seventeen years  
33 of age].

34 3. Obligations of the state incurred under the provisions of section  
35 211.181 shall not exceed, in any fiscal year, the amount appropriated for this  
36 purpose.

211.091. 1. The petition shall be entitled "In the interest of ....., a  
2 child under [seventeen] **eighteen** years of age" [or "In the interest of ....., a  
3 child seventeen years of age" or "In the interest of ....., a person seventeen  
4 years of age" as appropriate to the subsection of section 211.031 that provides the  
5 basis for the filing of the petition].

6 2. The petition shall set forth plainly:

7 (1) The facts which bring the child [or person seventeen years of age]  
8 within the jurisdiction of the court;

9 (2) The full name, birth date, and residence of the child [or person  
10 seventeen years of age];

11 (3) The names and residence of his or her parents, if living;

12 (4) The name and residence of his or her legal guardian if there be one,  
13 of the person having custody of the child [or person seventeen years of age] or of  
14 the nearest known relative if no parent or guardian can be found; and

15 (5) Any other pertinent data or information.

16 3. If any facts required in subsection 2 of this section are not known by  
17 the petitioner, the petition shall so state.

18 4. Prior to the voluntary dismissal of a petition filed under this section,  
19 the juvenile officer shall assess the impact of such dismissal on the best interests  
20 of the child, and shall take all actions practicable to minimize any negative  
21 impact.

211.101. 1. After a petition has been filed, unless the parties appear  
2 voluntarily, the juvenile court shall issue a summons in the name of the state of  
3 Missouri requiring the person who has custody of the child [or person seventeen  
4 years of age] to appear personally and, unless the court orders otherwise, to bring  
5 the child [or person seventeen years of age] before the court, at the time and  
6 place stated.

7 2. If the person so summoned is other than a parent or guardian of the  
8 child [or person seventeen years of age], then the parent or guardian or both  
9 shall also be notified of the pendency of the case and of the time and place  
10 appointed.

11           3. If it appears that the child [or person seventeen years of age] is in such  
12 condition or surroundings that his or her welfare requires that his or her custody  
13 be immediately assumed by the court, the judge may order, by endorsement upon  
14 the summons, the officer serving it to take the child [or person seventeen years  
15 of age] into custody at once.

16           4. Subpoena may be issued requiring the appearance of any other person  
17 whose presence, in the opinion of the judge, is necessary.

211.161. 1. The court may cause any child [or person seventeen years of  
2 age] within its jurisdiction to be examined by a physician, psychiatrist or  
3 psychologist appointed by the court in order that the condition of the child [or  
4 person seventeen years of age] may be given consideration in the disposition of  
5 his **or her** case. The expenses of the examination when approved by the court  
6 shall be paid by the county, except that the county shall not be liable for the costs  
7 of examinations conducted by the department of mental health either directly or  
8 through contract.

9           2. The services of a state, county or municipally maintained hospital,  
10 institution, or psychiatric or health clinic may be used for the purpose of this  
11 examination and treatment.

12           3. A county may establish medical, psychiatric and other facilities, upon  
13 request of the juvenile court, to provide proper services for the court in the  
14 diagnosis and treatment of children [or persons seventeen years of age] coming  
15 before it and these facilities shall be under the administration and control of the  
16 juvenile court. The juvenile court may appoint and fix the compensation of such  
17 professional and other personnel as it deems necessary to provide the court  
18 proper diagnostic, clinical and treatment services for children [or persons  
19 seventeen years of age] under its jurisdiction.

211.181. 1. When a child [or person seventeen years of age] is found by  
2 the court to come within the applicable provisions of subdivision (1) of subsection  
3 1 of section 211.031, the court shall so decree and make a finding of fact upon  
4 which it exercises its jurisdiction over the child [or person seventeen years of  
5 age], and the court may, by order duly entered, proceed as follows:

6           (1) Place the child [or person seventeen years of age] under supervision  
7 in his **or her** own home or in the custody of a relative or other suitable person  
8 after the court or a public agency or institution designated by the court conducts  
9 an investigation of the home, relative or person and finds such home, relative or  
10 person to be suitable and upon such conditions as the court may require;

- 11           (2) Commit the child [or person seventeen years of age] to the custody of:  
12           (a) A public agency or institution authorized by law to care for children  
13 or to place them in family homes; except that, such child [or person seventeen  
14 years of age] may not be committed to the department of social services, division  
15 of youth services;  
16           (b) Any other institution or agency which is authorized or licensed by law  
17 to care for children or to place them in family homes;  
18           (c) An association, school or institution willing to receive the child [or  
19 person seventeen years of age] in another state if the approval of the agency in  
20 that state which administers the laws relating to importation of children into the  
21 state has been secured; or  
22           (d) The juvenile officer;
- 23           (3) Place the child [or person seventeen years of age] in a family home;  
24           (4) Cause the child [or person seventeen years of age] to be examined and  
25 treated by a physician, psychiatrist or psychologist and when the health or  
26 condition of the child [or person seventeen years of age] requires it, cause the  
27 child [or person seventeen years of age] to be placed in a public or private  
28 hospital, clinic or institution for treatment and care; except that, nothing  
29 contained herein authorizes any form of compulsory medical, surgical, or  
30 psychiatric treatment of a child [or person seventeen years of age] whose parents  
31 or guardian in good faith are providing other remedial treatment recognized or  
32 permitted under the laws of this state;
- 33           (5) The court may order, pursuant to subsection 2 of section 211.081, that  
34 the child receive the necessary services in the least restrictive appropriate  
35 environment including home and community-based services, treatment and  
36 support, based on a coordinated, individualized treatment plan. The  
37 individualized treatment plan shall be approved by the court and developed by  
38 the applicable state agencies responsible for providing or paying for any and all  
39 appropriate and necessary services, subject to appropriation, and shall include  
40 which agencies are going to pay for and provide such services. Such plan must  
41 be submitted to the court within thirty days and the child's family shall actively  
42 participate in designing the service plan for the child [or person seventeen years  
43 of age];
- 44           (6) The department of social services, in conjunction with the department  
45 of mental health, shall apply to the United States Department of Health and  
46 Human Services for such federal waivers as required to provide services for such



47 children, including the acquisition of community-based services waivers.

48           2. When a child is found by the court to come within the provisions of  
49 subdivision (2) of subsection 1 of section 211.031, the court shall so decree and  
50 upon making a finding of fact upon which it exercises its jurisdiction over the  
51 child, the court may, by order duly entered, proceed as follows:

52           (1) Place the child under supervision in his **or her** own home or in  
53 custody of a relative or other suitable person after the court or a public agency  
54 or institution designated by the court conducts an investigation of the home,  
55 relative or person and finds such home, relative or person to be suitable and upon  
56 such conditions as the court may require;

57           (2) Commit the child to the custody of:

58           (a) A public agency or institution authorized by law to care for children  
59 or place them in family homes; except that, a child may be committed to the  
60 department of social services, division of youth services, only if he **or she** is  
61 presently under the court's supervision after an adjudication under the provisions  
62 of subdivision (2) or (3) of subsection 1 of section 211.031;

63           (b) Any other institution or agency which is authorized or licensed by law  
64 to care for children or to place them in family homes;

65           (c) An association, school or institution willing to receive it in another  
66 state if the approval of the agency in that state which administers the laws  
67 relating to importation of children into the state has been secured; or

68           (d) The juvenile officer;

69           (3) Place the child in a family home;

70           (4) Cause the child to be examined and treated by a physician,  
71 psychiatrist or psychologist and when the health or condition of the child requires  
72 it, cause the child to be placed in a public or private hospital, clinic or institution  
73 for treatment and care; except that, nothing contained herein authorizes any form  
74 of compulsory medical, surgical, or psychiatric treatment of a child whose parents  
75 or guardian in good faith are providing other remedial treatment recognized or  
76 permitted under the laws of this state;

77           (5) Assess an amount of up to ten dollars to be paid by the child to the  
78 clerk of the court.

79 Execution of any order entered by the court pursuant to this subsection, including  
80 a commitment to any state agency, may be suspended and the child placed on  
81 probation subject to such conditions as the court deems reasonable. After a  
82 hearing, probation may be revoked and the suspended order executed.

83           3. When a child is found by the court to come within the provisions of  
84 subdivision (3) of subsection 1 of section 211.031, the court shall so decree and  
85 make a finding of fact upon which it exercises its jurisdiction over the child, and  
86 the court may, by order duly entered, proceed as follows:

87           (1) Place the child under supervision in his or her own home or in custody  
88 of a relative or other suitable person after the court or a public agency or  
89 institution designated by the court conducts an investigation of the home, relative  
90 or person and finds such home, relative or person to be suitable and upon such  
91 conditions as the court may require; provided that, no child who has been  
92 adjudicated a delinquent by a juvenile court for committing or attempting to  
93 commit a sex-related offense which if committed by an adult would be considered  
94 a felony offense pursuant to chapter 566, RSMo, including but not limited to rape,  
95 forcible sodomy, child molestation, and sexual abuse, and in which the victim was  
96 a child, shall be placed in any residence within one thousand feet of the residence  
97 of the abused child of that offense until the abused child reaches the age of  
98 eighteen, and provided further that the provisions of this subdivision regarding  
99 placement within one thousand feet of the abused child shall not apply when the  
100 abusing child and the abused child are siblings or children living in the same  
101 home;

102           (2) Commit the child to the custody of:

103           (a) A public agency or institution authorized by law to care for children  
104 or to place them in family homes;

105           (b) Any other institution or agency which is authorized or licensed by law  
106 to care for children or to place them in family homes;

107           (c) An association, school or institution willing to receive it in another  
108 state if the approval of the agency in that state which administers the laws  
109 relating to importation of children into the state has been secured; or

110           (d) The juvenile officer;

111           (3) Beginning January 1, 1996, the court may make further directions as  
112 to placement with the division of youth services concerning the child's length of  
113 stay. The length of stay order may set forth a minimum review date;

114           (4) Place the child in a family home;

115           (5) Cause the child to be examined and treated by a physician,  
116 psychiatrist or psychologist and when the health or condition of the child requires  
117 it, cause the child to be placed in a public or private hospital, clinic or institution  
118 for treatment and care; except that, nothing contained herein authorizes any form

119 of compulsory medical, surgical, or psychiatric treatment of a child whose parents  
120 or guardian in good faith are providing other remedial treatment recognized or  
121 permitted under the laws of this state;

122 (6) Suspend or revoke a state or local license or authority of a child to  
123 operate a motor vehicle;

124 (7) Order the child to make restitution or reparation for the damage or  
125 loss caused by his **or her** offense. In determining the amount or extent of the  
126 damage, the court may order the juvenile officer to prepare a report and may  
127 receive other evidence necessary for such determination. The child and his **or**  
128 **her** attorney shall have access to any reports which may be prepared, and shall  
129 have the right to present evidence at any hearing held to ascertain the amount  
130 of damages. Any restitution or reparation ordered shall be reasonable in view of  
131 the child's ability to make payment or to perform the reparation. The court may  
132 require the clerk of the circuit court to act as receiving and disbursing agent for  
133 any payment ordered;

134 (8) Order the child to a term of community service under the supervision  
135 of the court or of an organization selected by the court. Every person,  
136 organization, and agency, and each employee thereof, charged with the  
137 supervision of a child under this subdivision, or who benefits from any services  
138 performed as a result of an order issued under this subdivision, shall be immune  
139 from any suit by the child ordered to perform services under this subdivision, or  
140 any person deriving a cause of action from such child, if such cause of action  
141 arises from the supervision of the child's performance of services under this  
142 subdivision and if such cause of action does not arise from an intentional tort. A  
143 child ordered to perform services under this subdivision shall not be deemed an  
144 employee within the meaning of the provisions of chapter 287, [RSMo,] nor shall  
145 the services of such child be deemed employment within the meaning of the  
146 provisions of chapter 288[, RSMo]. Execution of any order entered by the court,  
147 including a commitment to any state agency, may be suspended and the child  
148 placed on probation subject to such conditions as the court deems  
149 reasonable. After a hearing, probation may be revoked and the suspended order  
150 executed;

151 (9) When a child has been adjudicated to have violated a municipal  
152 ordinance or to have committed an act that would be a misdemeanor if committed  
153 by an adult, assess an amount of up to twenty-five dollars to be paid by the child  
154 to the clerk of the court; when a child has been adjudicated to have committed an

155 act that would be a felony if committed by an adult, assess an amount of up to  
156 fifty dollars to be paid by the child to the clerk of the court.

157 4. Beginning January 1, 1996, the court may set forth in the order of  
158 commitment the minimum period during which the child shall remain in the  
159 custody of the division of youth services. No court order shall require a child to  
160 remain in the custody of the division of youth services for a period which exceeds  
161 the child's eighteenth birth date except upon petition filed by the division of  
162 youth services pursuant to subsection 1 of section 219.021[, RSMo]. In any order  
163 of commitment of a child to the custody of the division of youth services, the  
164 division shall determine the appropriate program or placement pursuant to  
165 subsection 3 of section 219.021[, RSMo]. Beginning January 1, 1996, the  
166 department shall not discharge a child from the custody of the division of youth  
167 services before the child completes the length of stay determined by the court in  
168 the commitment order unless the committing court orders otherwise. The director  
169 of the division of youth services may at any time petition the court for a review  
170 of a child's length of stay commitment order, and the court may, upon a showing  
171 of good cause, order the early discharge of the child from the custody of the  
172 division of youth services. The division may discharge the child from the division  
173 of youth services without a further court order after the child completes the  
174 length of stay determined by the court or may retain the child for any period after  
175 the completion of the length of stay in accordance with the law.

176 5. When an assessment has been imposed under the provisions of  
177 subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the  
178 court in the circuit where the assessment is imposed by court order, to be  
179 deposited in a fund established for the sole purpose of payment of judgments  
180 entered against children in accordance with section 211.185.

211.321. 1. Records of juvenile court proceedings as well as all  
2 information obtained and social records prepared in the discharge of official duty  
3 for the court shall not be open to inspection or their contents disclosed, except by  
4 order of the court to persons having a legitimate interest therein, unless a  
5 petition or motion to modify is sustained which charges the child with an offense  
6 which, if committed by an adult, would be a class A felony under the criminal  
7 code of Missouri, or capital murder, first degree murder, or second degree murder  
8 or except as provided in subsection 2 of this section. In addition, whenever a  
9 report is required under section 557.026, there shall also be included a complete  
10 list of certain violations of the juvenile code for which the defendant had been

11 adjudicated a delinquent while a juvenile. This list shall be made available to  
12 the probation officer and shall be included in the presentence report. The  
13 violations to be included in the report are limited to the following: rape, sodomy,  
14 murder, kidnapping, robbery, arson, burglary or any acts involving the rendering  
15 or threat of serious bodily harm. The supreme court may promulgate rules to be  
16 followed by the juvenile courts in separating the records.

17         2. In all proceedings under subdivision (2) of subsection 1 of section  
18 211.031, the records of the juvenile court as well as all information obtained and  
19 social records prepared in the discharge of official duty for the court shall be kept  
20 confidential and shall be open to inspection only by order of the judge of the  
21 juvenile court or as otherwise provided by statute. In all proceedings under  
22 subdivision (3) of subsection 1 of section 211.031 the records of the juvenile court  
23 as well as all information obtained and social records prepared in the discharge  
24 of official duty for the court shall be kept confidential and may be open to  
25 inspection without court order only as follows:

26         (1) The juvenile officer is authorized at any time:

27         (a) To provide information to or discuss matters concerning the child, the  
28 violation of law or the case with the victim, witnesses, officials at the child's  
29 school, law enforcement officials, prosecuting attorneys, any person or agency  
30 having or proposed to have legal or actual care, custody or control of the child, or  
31 any person or agency providing or proposed to provide treatment of the  
32 child. Information received pursuant to this paragraph shall not be released to  
33 the general public, but shall be released only to the persons or agencies listed in  
34 this paragraph;

35         (b) To make public information concerning the offense, the substance of  
36 the petition, the status of proceedings in the juvenile court and any other  
37 information which does not specifically identify the child or the child's family;

38         (2) After a child has been adjudicated delinquent pursuant to subdivision  
39 (3) of subsection 1 of section 211.031, for an offense which would be a felony if  
40 committed by an adult, the records of the dispositional hearing and proceedings  
41 related thereto shall be open to the public to the same extent that records of  
42 criminal proceedings are open to the public. However, the social summaries,  
43 investigations or updates in the nature of presentence investigations, and status  
44 reports submitted to the court by any treating agency or individual after the  
45 dispositional order is entered shall be kept confidential and shall be opened to  
46 inspection only by order of the judge of the juvenile court;

47 (3) As otherwise provided by statute;

48 (4) In all other instances, only by order of the judge of the juvenile court.

49 3. Peace officers' records, if any are kept, of children shall be kept  
50 separate from the records of persons [seventeen] **eighteen** years of age or over  
51 and shall not be open to inspection or their contents disclosed, except by order of  
52 the court. This subsection does not apply to children who are transferred to  
53 courts of general jurisdiction as provided by section 211.071 or to juveniles  
54 convicted under the provisions of sections 578.421 to 578.437. This subsection  
55 does not apply to the inspection or disclosure of the contents of the records of  
56 peace officers for the purpose of pursuing a civil forfeiture action pursuant to the  
57 provisions of section 195.140.

58 4. Nothing in this section shall be construed to prevent the release of  
59 information and data to persons or organizations authorized by law to compile  
60 statistics relating to juveniles. The court shall adopt procedures to protect the  
61 confidentiality of children's names and identities.

62 5. The court may, either on its own motion or upon application by the  
63 child or his **or her** representative, or upon application by the juvenile officer,  
64 enter an order to destroy all social histories, records, and information, other than  
65 the official court file, and may enter an order to seal the official court file, as well  
66 as all peace officers' records, at any time after the child has reached his  
67 [seventeenth] **or her eighteenth** birthday if the court finds that it is in the best  
68 interest of the child that such action or any part thereof be taken, unless the  
69 jurisdiction of the court is continued beyond the child's [seventeenth] **eighteenth**  
70 birthday, in which event such action or any part thereof may be taken by the  
71 court at any time after the closing of the child's case.

72 6. Nothing in this section shall be construed to prevent the release of  
73 general information regarding the informal adjustment or formal adjudication of  
74 the disposition of a child's case to a victim or a member of the immediate family  
75 of a victim of any offense committed by the child. Such general information shall  
76 not be specific as to location and duration of treatment or detention or as to any  
77 terms of supervision.

78 7. Records of juvenile court proceedings as well as all information  
79 obtained and social records prepared in the discharge of official duty for the court  
80 shall be disclosed to the child fatality review panel reviewing the child's death  
81 pursuant to section 210.192 unless the juvenile court on its own motion, or upon  
82 application by the juvenile officer, enters an order to seal the records of the victim

83 child.

211.421. 1. After any child has come under the care or control of the  
2 juvenile court as provided in this chapter, any person who thereafter encourages,  
3 aids, or causes the child to commit any act or engage in any conduct which would  
4 be injurious to the child's morals or health or who knowingly or negligently  
5 disobeys, violates or interferes with a lawful order of the court with relation to  
6 the child, is guilty of contempt of court, and shall be proceeded against as now  
7 provided by law and punished by imprisonment in the county jail for a term not  
8 exceeding six months or by a fine not exceeding five hundred dollars or by both  
9 such fine and imprisonment.

10 2. If it appears at a juvenile court hearing that any person [seventeen]  
11 **eighteen** years of age or over has violated section 568.045 or 568.050[, RSMo,]  
12 by endangering the welfare of a child, the judge of the juvenile court shall refer  
13 the information to the prosecuting or circuit attorney, as the case may be, for  
14 appropriate proceedings.

211.425. 1. Any person who has been adjudicated a delinquent by a  
2 juvenile court for committing or attempting to commit a sex-related offense which  
3 if committed by an adult would be considered a felony offense pursuant to chapter  
4 566 including, but not limited to, rape, forcible sodomy, child molestation and  
5 sexual abuse, shall be considered a juvenile sex offender and shall be required to  
6 register as a juvenile sex offender by complying with the registration  
7 requirements provided for in this section, unless such juvenile adjudicated as a  
8 delinquent is fourteen years of age or older at the time of the offense and the  
9 offense adjudicated would be considered a felony under chapter 566 if committed  
10 by an adult, which is equal to or more severe than aggravated sexual abuse under  
11 18 U.S.C. Section 2241, including any attempt or conspiracy to commit such  
12 offense, in which case, the juvenile shall be required to register as an adult  
13 sexual offender under sections 589.400 to 589.425. This requirement shall also  
14 apply to any person who is or has been adjudicated a juvenile delinquent in any  
15 other state or federal jurisdiction for committing, attempting to commit, or  
16 conspiring to commit offenses which would be proscribed herein.

17 2. Any state agency having supervision over a juvenile required to register  
18 as a juvenile sex offender or any court having jurisdiction over a juvenile required  
19 to register as a juvenile sex offender, or any person required to register as a  
20 juvenile sex offender, shall, within ten days of the juvenile offender moving into  
21 any county of this state, register with the juvenile office of the county. If such

22 juvenile offender changes residence or address, the state agency, court or person  
23 shall inform the juvenile office within ten days of the new residence or address  
24 and shall also be required to register with the juvenile office of any new county  
25 of residence. Registration shall be accomplished by completing a registration  
26 form similar to the form provided for in section 589.407. Such form shall include,  
27 but is not limited to, the following:

28 (1) A statement in writing signed by the juvenile, giving the juvenile's  
29 name, address, Social Security number, phone number, school in which enrolled,  
30 place of employment, offense which requires registration, including the date,  
31 place, and a brief description of such offense, date and place of adjudication  
32 regarding such offense, and age and gender of the victim at the time of the  
33 offense; and

34 (2) The fingerprints and a photograph of the juvenile.

35 3. Juvenile offices shall maintain the registration forms of those juvenile  
36 offenders in their jurisdictions who register as required by this  
37 section. Information contained on the registration forms shall be kept  
38 confidential and may be released by juvenile offices to only those persons and  
39 agencies who are authorized to receive information from juvenile court records as  
40 provided by law, including, but not limited to, those specified in section  
41 211.321. State agencies having custody of juveniles who fall within the  
42 registration requirements of this section shall notify the appropriate juvenile  
43 offices when such juvenile offenders are being transferred to a location falling  
44 within the jurisdiction of such juvenile offices.

45 4. Any juvenile who is required to register pursuant to this section but  
46 fails to do so or who provides false information on the registration form is subject  
47 to disposition pursuant to this chapter. Any person [seventeen] **eighteen** years  
48 of age or over who commits such violation is guilty of a class A misdemeanor as  
49 provided for in section 211.431.

50 5. Any juvenile to whom the registration requirement of this section  
51 applies shall be informed by the official in charge of the juvenile's custody, upon  
52 the juvenile's discharge or release from such custody, of the requirement to  
53 register pursuant to this section. Such official shall obtain the address where  
54 such juvenile expects to register upon being discharged or released and shall  
55 report the juvenile's name and address to the juvenile office where the juvenile  
56 [will] **shall** be required to register. This requirement to register upon discharge  
57 or release from custody does not apply in situations where the juvenile is



58 temporarily released under guard or direct supervision from a detention facility  
59 or similar custodial facility.

60 6. The requirement to register as a juvenile sex offender shall terminate  
61 upon the juvenile offender reaching age twenty-one, unless such juvenile offender  
62 is required to register as an adult offender pursuant to section 589.400.

211.431. Any person [seventeen] **eighteen** years of age or over who  
2 willfully violates, neglects or refuses to obey or perform any lawful order of the  
3 court, or who violates any provision of this chapter is guilty of a class A  
4 misdemeanor.

221.044. No person under the age of [seventeen] **eighteen** years, except  
2 those transferred to the court of general jurisdiction under the provisions of  
3 section 211.071, shall be detained in a jail or other adult detention facility as that  
4 term is defined in section 211.151. A traffic court judge may request the juvenile  
5 court to order the commitment of a person under the age of [seventeen] **eighteen**  
6 to a juvenile detention facility.

Section B. The repeal and reenactment of sections 211.021, 211.031,  
2 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101,  
3 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, and 221.044 of this act shall  
4 become effective on January 1, 2021.

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