

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SCS/Senate Bill No. 5, Page 1, Section A, Line 3,

2 by inserting after all of said line the following:

3 "49.310. 1. Except as provided in sections 221.400 to
 4 221.420 and subsection 2 of this section, the county
 5 commission in each county in this state shall erect and
 6 maintain at the established seat of justice a good and
 7 sufficient courthouse, jail and necessary fireproof
 8 buildings for the preservation of the records of the county;
 9 except that in counties having a special charter, the jail
 10 or workhouse may be located at any place within the county.
 11 In pursuance of the authority herein delegated to the county
 12 commission, the county commission may acquire a site,
 13 construct, reconstruct, remodel, repair, maintain and equip
 14 the courthouse and jail, and in counties wherein more than
 15 one place is provided by law for holding of court, the
 16 county commission may buy and equip or acquire a site and
 17 construct a building or buildings to be used as a courthouse
 18 and jail, and may remodel, repair, maintain and equip
 19 buildings in both places. The county commission may issue
 20 bonds as provided by the general law covering the issuance
 21 of bonds by counties for the purposes set forth in this
 22 section. In bond elections for these purposes in counties
 23 wherein more than one place is provided by law for holding
 24 of court, a separate ballot question may be submitted
 25 covering proposed expenditures in each separate site
 26 described therein, or a single ballot question may be

27 submitted covering proposed expenditures at more than one
28 site, if the amount of the proposed expenditures at each of
29 the sites is specifically set out therein.

30 2. The county commission in all counties of the fourth
31 classification and any county of the third, second, or first
32 classification may provide for the erection and maintenance
33 of a good and sufficient jail or holding cell facility at a
34 site in the county other than at the established seat of
35 justice.

36 3. For any courthouse that contains both a county
37 office and a courtroom, the presiding judge of the circuit
38 in which the courthouse is located may establish rules for
39 courtrooms, jury rooms, and chambers or offices of the
40 court, but the county commission shall have authority over
41 all other areas of the courthouse.

42 50.660. All contracts shall be executed in the name of
43 the county, or in the name of a township in a county with a
44 township form of government, by the head of the department
45 or officer concerned, except contracts for the purchase of
46 supplies, materials, equipment or services other than
47 personal made by the officer in charge of purchasing in any
48 county or township having the officer. No contract or order
49 imposing any financial obligation on the county or township
50 is binding on the county or township unless it is in writing
51 and unless there is a balance otherwise unencumbered to the
52 credit of the appropriation to which it is to be charged and
53 a cash balance otherwise unencumbered in the treasury to the
54 credit of the fund from which payment is to be made, each
55 sufficient to meet the obligation incurred and unless the
56 contract or order bears the certification of the accounting
57 officer so stating; except that in case of any contract for
58 public works or buildings to be paid for from bond funds or
59 from taxes levied for the purpose it is sufficient for the

60 accounting officer to certify that the bonds or taxes have
61 been authorized by vote of the people and that there is a
62 sufficient unencumbered amount of the bonds yet to be sold
63 or of the taxes levied and yet to be collected to meet the
64 obligation in case there is not a sufficient unencumbered
65 cash balance in the treasury. All contracts and purchases
66 shall be let to the lowest and best bidder after due
67 opportunity for competition, including advertising the
68 proposed letting in a newspaper in the county or township
69 with a circulation of at least five hundred copies per
70 issue, if there is one, except that the advertising is not
71 required in case of contracts or purchases involving an
72 expenditure of less than ~~[six]~~ twelve thousand dollars. It
73 is not necessary to obtain bids on any purchase in the
74 amount of ~~[six]~~ twelve thousand dollars or less made from
75 any one person, firm or corporation during any period of
76 ninety days. All bids for any contract or purchase may be
77 rejected and new bids advertised for. Contracts which
78 provide that the person contracting with the county or
79 township shall, during the term of the contract, furnish to
80 the county or township at the price therein specified the
81 supplies, materials, equipment or services other than
82 personal therein described, in the quantities required, and
83 from time to time as ordered by the officer in charge of
84 purchasing during the term of the contract, need not bear
85 the certification of the accounting officer, as herein
86 provided; but all orders for supplies, materials, equipment
87 or services other than personal shall bear the
88 certification. In case of such contract, no financial
89 obligation accrues against the county or township until the
90 supplies, materials, equipment or services other than
91 personal are so ordered and the certificate furnished.

92 50.783. 1. The county commission may waive the
93 requirement of competitive bids or proposals for supplies
94 when the commission has determined in writing and entered
95 into the commission minutes that there is only a single
96 feasible source for the supplies. Immediately upon
97 discovering that other feasible sources exist, the
98 commission shall rescind the waiver and proceed to procure
99 the supplies through the competitive processes as described
100 in this chapter. A single feasible source exists when:

101 (1) Supplies are proprietary and only available from
102 the manufacturer or a single distributor; or

103 (2) Based on past procurement experience, it is
104 determined that only one distributor services the region in
105 which the supplies are needed; or

106 (3) Supplies are available at a discount from a single
107 distributor for a limited period of time.

108 2. On any single feasible source purchase where the
109 estimated expenditure is over ~~[six]~~ twelve thousand dollars,
110 the commission shall post notice of the proposed purchase
111 and advertise the commission's intent to make such purchase
112 in at least one daily and one weekly newspaper of general
113 circulation in such places as are most likely to reach
114 prospective bidders or offerors and may provide such
115 information through an electronic medium available to the
116 general public at least ten days before the contract is to
117 be let.

118 3. Notwithstanding subsection 2 of this section to the
119 contrary, on any single feasible service purchase by any
120 county of the first classification with more than one
121 hundred fifty thousand but fewer than two hundred thousand
122 inhabitants or any county of the first classification with
123 more than two hundred sixty thousand but fewer than three
124 hundred thousand inhabitants where the estimated expenditure

125 is over [six] twelve thousand dollars, the commission shall
126 post notice of the proposed purchase and advertise the
127 commission's intent to make such purchase in at least one
128 daily and one weekly newspaper of general circulation in
129 such places as are most likely to reach prospective bidders
130 or offerors and may provide such information through an
131 electronic medium available to the general public at least
132 ten days before the contract is to be let."; and

133 Further amend said bill, section 68.075, page 4, line
134 87, by inserting after all of said line the following:

135 "115.646. No contribution or expenditure of public
136 funds shall be made directly by any officer, employee or
137 agent of any political subdivision, including school
138 districts and charter schools, to advocate, support, or
139 oppose the passage or defeat of any ballot measure or the
140 nomination or election of any candidate for public office,
141 or to direct any public funds to, or pay any debts or
142 obligations of, any committee supporting or opposing such
143 ballot measures or candidates. This section shall not be
144 construed to prohibit any public official of a political
145 subdivision, including school districts and charter schools,
146 from making public appearances or from issuing press
147 releases concerning any such ballot measure. Any purposeful
148 violation of this section shall be punished as a class four
149 election offense.

150 221.105. 1. The governing body of any county and of
151 any city not within a county shall fix the amount to be
152 expended for the cost of incarceration of prisoners confined
153 in jails or medium security institutions. The per diem cost
154 of incarceration of these prisoners chargeable by the law to
155 the state shall be determined, subject to the review and
156 approval of the department of corrections.

157 2. When the final determination of any criminal
158 prosecution shall be such as to render the state liable for
159 costs under existing laws, it shall be the duty of the
160 sheriff to certify to the clerk of the circuit court or
161 court of common pleas in which the case was determined the
162 total number of days any prisoner who was a party in such
163 case remained in the county jail. It shall be the duty of
164 the county commission to supply the cost per diem for county
165 prisons to the clerk of the circuit court on the first day
166 of each year, and thereafter whenever the amount may be
167 changed. It shall then be the duty of the clerk of the
168 court in which the case was determined to include in the
169 bill of cost against the state all fees which are properly
170 chargeable to the state. In any city not within a county it
171 shall be the duty of the superintendent of any facility
172 boarding prisoners to certify to the chief executive officer
173 of such city not within a county the total number of days
174 any prisoner who was a party in such case remained in such
175 facility. It shall be the duty of the superintendents of
176 such facilities to supply the cost per diem to the chief
177 executive officer on the first day of each year, and
178 thereafter whenever the amount may be changed. It shall be
179 the duty of the chief executive officer to bill the state
180 all fees for boarding such prisoners which are properly
181 chargeable to the state. The chief executive may by
182 notification to the department of corrections delegate such
183 responsibility to another duly sworn official of such city
184 not within a county. The clerk of the court of any city not
185 within a county shall not include such fees in the bill of
186 costs chargeable to the state. The department of
187 corrections shall revise its criminal cost manual in
188 accordance with this provision.

189 3. Except as provided under subsection 6 of section
190 217.718, the actual costs chargeable to the state, including
191 those incurred for a prisoner who is incarcerated in the
192 county jail because the prisoner's parole or probation has
193 been revoked or because the prisoner has, or allegedly has,
194 violated any condition of the prisoner's parole or
195 probation, and such parole or probation is a consequence of
196 a violation of a state statute, or the prisoner is a
197 fugitive from the Missouri department of corrections or
198 otherwise held at the request of the Missouri department of
199 corrections regardless of whether or not a warrant has been
200 issued shall be the actual cost of incarceration not to
201 exceed:

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

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

206 (3) On and after July 1, 1997, up to thirty-seven
207 dollars and fifty cents per day per prisoner, subject to
208 appropriations[, but not less than the amount appropriated
209 in the previous fiscal year].

210 4. The presiding judge of a judicial circuit may
211 propose expenses to be reimbursable by the state on behalf
212 of one or more of the counties in that circuit. Proposed
213 reimbursable expenses may include pretrial assessment and
214 supervision strategies for defendants who are ultimately
215 eligible for state incarceration. A county may not receive
216 more than its share of the amount appropriated in the
217 previous fiscal year, inclusive of expenses proposed by the
218 presiding judge. Any county shall convey such proposal to
219 the department, and any such proposal presented by a
220 presiding judge shall include the documented agreement with
221 the proposal by the county governing body, prosecuting

222 attorney, at least one associate circuit judge, and the
223 officer of the county responsible for custody or
224 incarceration of prisoners of the county represented in the
225 proposal. Any county that declines to convey a proposal to
226 the department, pursuant to the provisions of this
227 subsection, shall receive its per diem cost of incarceration
228 for all prisoners chargeable to the state in accordance with
229 the provisions of subsections 1, 2, and 3 of this section.

230 476.083. 1. In addition to any appointments made
231 pursuant to section 485.010, the presiding judge of each
232 circuit containing one or more facilities operated by the
233 department of corrections with an average total inmate
234 population in all such facilities in the circuit over the
235 previous two years of more than two thousand five hundred
236 inmates or containing, as of January 1, 2016, a diagnostic
237 and reception center operated by the department of
238 corrections and a mental health facility operated by the
239 department of mental health which houses persons found not
240 guilty of a crime by reason of mental disease or defect
241 under chapter 552 and provides sex offender rehabilitation
242 and treatment services (SORTS) may appoint a circuit court
243 marshal to aid the presiding judge in the administration of
244 the judicial business of the circuit by overseeing the
245 physical security of [the courthouse,] courtrooms, jury
246 rooms, and chambers or offices of the court; serving court-
247 generated papers and orders~~[,]~~; and assisting the judges of
248 the circuit as the presiding judge determines appropriate.
249 Such circuit court marshal appointed pursuant to the
250 provisions of this section shall serve at the pleasure of
251 the presiding judge. The circuit court marshal authorized
252 by this section is in addition to staff support from the
253 circuit clerks, deputy circuit clerks, division clerks,

254 municipal clerks, and any other staff personnel which may
255 otherwise be provided by law.

256 2. The salary of a circuit court marshal shall be
257 established by the presiding judge of the circuit within
258 funds made available for that purpose, but such salary shall
259 not exceed ninety percent of the salary of the highest paid
260 sheriff serving a county wholly or partially within that
261 circuit. Personnel authorized by this section shall be paid
262 from state funds or federal grant moneys which are available
263 for that purpose and not from county funds.

264 3. Any person appointed as a circuit court marshal
265 pursuant to this section shall have at least five years'
266 prior experience as a law enforcement officer. In addition,
267 any such person shall within one year after appointment, or
268 as soon as practicable, attend a court security school or
269 training program operated by the United States Marshal
270 Service. In addition to all other powers and duties
271 prescribed in this section, a circuit court marshal may:

- 272 (1) Serve process;
- 273 (2) Wear a concealable firearm; and
- 274 (3) Make an arrest based upon local court rules and
275 state law, and as directed by the presiding judge of the
276 circuit."; and

277 Further amend the title and enacting clause accordingly.