

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/Senate Bill No. 27, Page 1, Section A, Line 4,

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."; and

42 Further amend said bill, page 4, section 59.100, line  
43 15 by inserting after all of said line the following:

44 "221.105. 1. The governing body of any county and of  
45 any city not within a county shall fix the amount to be  
46 expended for the cost of incarceration of prisoners confined  
47 in jails or medium security institutions. The per diem cost  
48 of incarceration of these prisoners chargeable by the law to  
49 the state shall be determined, subject to the review and  
50 approval of the department of corrections.

51 2. When the final determination of any criminal  
52 prosecution shall be such as to render the state liable for  
53 costs under existing laws, it shall be the duty of the  
54 sheriff to certify to the clerk of the circuit court or  
55 court of common pleas in which the case was determined the  
56 total number of days any prisoner who was a party in such  
57 case remained in the county jail. It shall be the duty of  
58 the county commission to supply the cost per diem for county  
59 prisons to the clerk of the circuit court on the first day

60 of each year, and thereafter whenever the amount may be  
61 changed. It shall then be the duty of the clerk of the  
62 court in which the case was determined to include in the  
63 bill of cost against the state all fees which are properly  
64 chargeable to the state. In any city not within a county it  
65 shall be the duty of the superintendent of any facility  
66 boarding prisoners to certify to the chief executive officer  
67 of such city not within a county the total number of days  
68 any prisoner who was a party in such case remained in such  
69 facility. It shall be the duty of the superintendents of  
70 such facilities to supply the cost per diem to the chief  
71 executive officer on the first day of each year, and  
72 thereafter whenever the amount may be changed. It shall be  
73 the duty of the chief executive officer to bill the state  
74 all fees for boarding such prisoners which are properly  
75 chargeable to the state. The chief executive may by  
76 notification to the department of corrections delegate such  
77 responsibility to another duly sworn official of such city  
78 not within a county. The clerk of the court of any city not  
79 within a county shall not include such fees in the bill of  
80 costs chargeable to the state. The department of  
81 corrections shall revise its criminal cost manual in  
82 accordance with this provision.

83 3. Except as provided under subsection 6 of section  
84 217.718, the actual costs chargeable to the state, including  
85 those incurred for a prisoner who is incarcerated in the  
86 county jail because the prisoner's parole or probation has  
87 been revoked or because the prisoner has, or allegedly has,  
88 violated any condition of the prisoner's parole or  
89 probation, and such parole or probation is a consequence of  
90 a violation of a state statute, or the prisoner is a  
91 fugitive from the Missouri department of corrections or  
92 otherwise held at the request of the Missouri department of

93 corrections regardless of whether or not a warrant has been  
94 issued shall be the actual cost of incarceration not to  
95 exceed:

96 (1) Until July 1, 1996, seventeen dollars per day per  
97 prisoner;

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

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

104 4. The presiding judge of a judicial circuit may  
105 propose expenses to be reimbursable by the state on behalf  
106 of one or more of the counties in that circuit. Proposed  
107 reimbursable expenses may include pretrial assessment and  
108 supervision strategies for defendants who are ultimately  
109 eligible for state incarceration. A county may not receive  
110 more than its share of the amount appropriated in the  
111 previous fiscal year, inclusive of expenses proposed by the  
112 presiding judge. Any county shall convey such proposal to  
113 the department, and any such proposal presented by a  
114 presiding judge shall include the documented agreement with  
115 the proposal by the county governing body, prosecuting  
116 attorney, at least one associate circuit judge, and the  
117 officer of the county responsible for custody or  
118 incarceration of prisoners of the county represented in the  
119 proposal. Any county that declines to convey a proposal to  
120 the department, pursuant to the provisions of this  
121 subsection, shall receive its per diem cost of incarceration  
122 for all prisoners chargeable to the state in accordance with  
123 the provisions of subsections 1, 2, and 3 of this section.";  
124 and

125 Further amend said bill, page 7, section 451.040, line  
126 101 by inserting after all of said line the following:

127 "476.083. 1. In addition to any appointments made  
128 pursuant to section 485.010, the presiding judge of each  
129 circuit containing one or more facilities operated by the  
130 department of corrections with an average total inmate  
131 population in all such facilities in the circuit over the  
132 previous two years of more than two thousand five hundred  
133 inmates or containing, as of January 1, 2016, a diagnostic  
134 and reception center operated by the department of  
135 corrections and a mental health facility operated by the  
136 department of mental health which houses persons found not  
137 guilty of a crime by reason of mental disease or defect  
138 under chapter 552 and provides sex offender rehabilitation  
139 and treatment services (SORTS) may appoint a circuit court  
140 marshal to aid the presiding judge in the administration of  
141 the judicial business of the circuit by overseeing the  
142 physical security of [the courthouse,] courtrooms, jury  
143 rooms, and chambers or offices of the court; serving court-  
144 generated papers and orders[,]; and assisting the judges of  
145 the circuit as the presiding judge determines appropriate.  
146 Such circuit court marshal appointed pursuant to the  
147 provisions of this section shall serve at the pleasure of  
148 the presiding judge. The circuit court marshal authorized  
149 by this section is in addition to staff support from the  
150 circuit clerks, deputy circuit clerks, division clerks,  
151 municipal clerks, and any other staff personnel which may  
152 otherwise be provided by law.

153 2. The salary of a circuit court marshal shall be  
154 established by the presiding judge of the circuit within  
155 funds made available for that purpose, but such salary shall  
156 not exceed ninety percent of the salary of the highest paid  
157 sheriff serving a county wholly or partially within that

158 circuit. Personnel authorized by this section shall be paid  
159 from state funds or federal grant moneys which are available  
160 for that purpose and not from county funds.

161 3. Any person appointed as a circuit court marshal  
162 pursuant to this section shall have at least five years'  
163 prior experience as a law enforcement officer. In addition,  
164 any such person shall within one year after appointment, or  
165 as soon as practicable, attend a court security school or  
166 training program operated by the United States Marshal  
167 Service. In addition to all other powers and duties  
168 prescribed in this section, a circuit court marshal may:

- 169 (1) Serve process;
- 170 (2) Wear a concealable firearm; and
- 171 (3) Make an arrest based upon local court rules and  
172 state law, and as directed by the presiding judge of the  
173 circuit."; and

174 Further amend the title and enacting clause accordingly.