

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

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

Amend SS/Senate Bill No. 212, Page 28, Section 217.829, Line 37,

2 by inserting after all of said line the following:

3 "221.105. 1. The governing body of any county and of  
4 any city not within a county shall fix the amount to be  
5 expended for the cost of incarceration of prisoners confined  
6 in jails or medium security institutions. The per diem cost  
7 of incarceration of these prisoners chargeable by the law to  
8 the state shall be determined, subject to the review and  
9 approval of the department of corrections.

10 2. When the final determination of any criminal  
11 prosecution shall be such as to render the state liable for  
12 costs under existing laws, it shall be the duty of the  
13 sheriff to certify to the clerk of the circuit court or  
14 court of common pleas in which the case was determined the  
15 total number of days any prisoner who was a party in such  
16 case remained in the county jail. It shall be the duty of  
17 the county commission to supply the cost per diem for county  
18 prisons to the clerk of the circuit court on the first day  
19 of each year, and thereafter whenever the amount may be  
20 changed. It shall then be the duty of the clerk of the  
21 court in which the case was determined to include in the  
22 bill of cost against the state all fees which are properly  
23 chargeable to the state. In any city not within a county it  
24 shall be the duty of the superintendent of any facility  
25 boarding prisoners to certify to the chief executive officer  
26 of such city not within a county the total number of days

27 any prisoner who was a party in such case remained in such  
28 facility. It shall be the duty of the superintendents of  
29 such facilities to supply the cost per diem to the chief  
30 executive officer on the first day of each year, and  
31 thereafter whenever the amount may be changed. It shall be  
32 the duty of the chief executive officer to bill the state  
33 all fees for boarding such prisoners which are properly  
34 chargeable to the state. The chief executive may by  
35 notification to the department of corrections delegate such  
36 responsibility to another duly sworn official of such city  
37 not within a county. The clerk of the court of any city not  
38 within a county shall not include such fees in the bill of  
39 costs chargeable to the state. The department of  
40 corrections shall revise its criminal cost manual in  
41 accordance with this provision.

42 3. Except as provided under subsection 6 of section  
43 217.718, the actual costs chargeable to the state, including  
44 those incurred for a prisoner who is incarcerated in the  
45 county jail because the prisoner's parole or probation has  
46 been revoked or because the prisoner has, or allegedly has,  
47 violated any condition of the prisoner's parole or  
48 probation, and such parole or probation is a consequence of  
49 a violation of a state statute, or the prisoner is a  
50 fugitive from the Missouri department of corrections or  
51 otherwise held at the request of the Missouri department of  
52 corrections regardless of whether or not a warrant has been  
53 issued shall be the actual cost of incarceration not to  
54 exceed:

55 (1) Until July 1, 1996, seventeen dollars per day per  
56 prisoner;

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

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

63           4. The presiding judge of a judicial circuit may  
64 propose expenses to be reimbursable by the state on behalf  
65 of one or more of the counties in that circuit. Proposed  
66 reimbursable expenses may include pretrial assessment and  
67 supervision strategies for defendants who are ultimately  
68 eligible for state incarceration. A county may not receive  
69 more than its share of the amount appropriated in the  
70 previous fiscal year, inclusive of expenses proposed by the  
71 presiding judge. Any county shall convey such proposal to  
72 the department, and any such proposal presented by a  
73 presiding judge shall include the documented agreement with  
74 the proposal by the county governing body, prosecuting  
75 attorney, at least one associate circuit judge, and the  
76 officer of the county responsible for custody or  
77 incarceration of prisoners of the county represented in the  
78 proposal. Any county that declines to convey a proposal to  
79 the department, pursuant to the provisions of this  
80 subsection, shall receive its per diem cost of incarceration  
81 for all prisoners chargeable to the state in accordance with  
82 the provisions of subsections 1, 2, and 3 of this section.";  
83 and

84           Further amend the title and enacting clause accordingly.