SENATE AMENDMENT NO.

Offered by _____ Of ____

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

by inserting after all of said line the following: 2 3 "49.310. 1. Except as provided in sections 221.400 to 221.420 and subsection 2 of this section, the county 4 commission in each county in this state shall erect and 5 maintain at the established seat of justice a good and 6 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 or workhouse may be located at any place within the county. 10 In pursuance of the authority herein delegated to the county 11 12 commission, the county commission may acquire a site, construct, reconstruct, remodel, repair, maintain and equip 13 the courthouse and jail, and in counties wherein more than 14 15 one place is provided by law for holding of court, the county commission may buy and equip or acquire a site and 16 construct a building or buildings to be used as a courthouse 17 and jail, and may remodel, repair, maintain and equip 18 buildings in both places. The county commission may issue 19 bonds as provided by the general law covering the issuance 20 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 of court, a separate ballot question may be submitted 24 25 covering proposed expenditures in each separate site described therein, or a single ballot question may be 26

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.

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

36 <u>3. For any courthouse that contains both a county</u> 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, line43 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 costs under existing laws, it shall be the duty of the 53 sheriff to certify to the clerk of the circuit court or 54 55 court of common pleas in which the case was determined the total number of days any prisoner who was a party in such 56 case remained in the county jail. It shall be the duty of 57 the county commission to supply the cost per diem for county 58 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 bill of cost against the state all fees which are properly 63 chargeable to the state. In any city not within a county it 64 shall be the duty of the superintendent of any facility 65 66 boarding prisoners to certify to the chief executive officer 67 of such city not within a county the total number of days any prisoner who was a party in such case remained in such 68 69 facility. It shall be the duty of the superintendents of 70 such facilities to supply the cost per diem to the chief executive officer on the first day of each year, and 71 72 thereafter whenever the amount may be changed. It shall be the duty of the chief executive officer to bill the state 73 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 responsibility to another duly sworn official of such city 77 78 not within a county. The clerk of the court of any city not within a county shall not include such fees in the bill of 79 costs chargeable to the state. The department of 80 corrections shall revise its criminal cost manual in 81 accordance with this provision. 82

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

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

The presiding judge of a judicial circuit may 104 4. 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 more than its share of the amount appropriated in the 110 111 previous fiscal year, inclusive of expenses proposed by the presiding judge. Any county shall convey such proposal to 112 the department, and any such proposal presented by a 113 presiding judge shall include the documented agreement with 114 the proposal by the county governing body, prosecuting 115 116 attorney, at least one associate circuit judge, and the 117 officer of the county responsible for custody or incarceration of prisoners of the county represented in the 118 proposal. Any county that declines to convey a proposal to 119 the department, pursuant to the provisions of this 120 subsection, shall receive its per diem cost of incarceration 121 122 for all prisoners chargeable to the state in accordance with 123 the provisions of subsections 1, 2, and 3 of this section."; 124 and

101 by inserting after all of said line the following: 126 127 "476.083. 1. In addition to any appointments made pursuant to section 485.010, the presiding judge of each 128 129 circuit containing one or more facilities operated by the 130 department of corrections with an average total inmate population in all such facilities in the circuit over the 131 132 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 corrections and a mental health facility operated by the 135 department of mental health which houses persons found not 136 quilty of a crime by reason of mental disease or defect 137 138 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 physical security of [the courthouse,] courtrooms, jury 142 143 rooms, and chambers or offices of the court; serving court-144 generated papers and orders[,]; and assisting the judges of the circuit as the presiding judge determines appropriate. 145 Such circuit court marshal appointed pursuant to the 146 provisions of this section shall serve at the pleasure of 147 148 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 otherwise be provided by law. 152 The salary of a circuit court marshal shall be 153 2.

Further amend said bill, page 7, section 451.040, line

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155 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.

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

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(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.