

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 888
AN ACT

To repeal sections 43.503, 56.265, 211.021, 211.071, 211.331, and 211.341, RSMo, and to enact in lieu thereof seven new sections relating to the juvenile justice system.

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

Section A. Sections 43.503, 56.265, 211.021, 211.071, 211.331, and 211.341, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 43.503, 56.265, 211.021, 211.071, 211.331, 211.341, and 211.342, to read as follows:

43.503. 1. For the purpose of maintaining complete and accurate criminal history record information, all police officers of this state, the clerk of each court, the department of corrections, the sheriff of each county, the chief law enforcement official of a city not within a county and the prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit certain criminal arrest, charge, and disposition information to the central repository for filing without undue delay in the form and manner required by sections 43.500 to 43.651.

2. All law enforcement agencies making misdemeanor and felony arrests as determined by section 43.506 shall furnish without undue delay, to the central repository, fingerprints, photograph, and if available, any other unique biometric identification collected, charges, appropriate charge codes, and descriptions of all persons who are arrested for such offenses on standard fingerprint forms supplied or approved by the highway patrol or electronically

19 in a format and manner approved by the highway patrol and in
20 compliance with the standards set by the Federal Bureau of
21 Investigation in its Automated Fingerprint Identification
22 System or its successor program. All such agencies shall
23 also notify the central repository of all decisions not to
24 refer such arrests for prosecution. An agency making such
25 arrests may enter into arrangements with other law
26 enforcement agencies for the purpose of furnishing without
27 undue delay such fingerprints, photograph, and if available,
28 any other unique biometric identification collected,
29 charges, appropriate charge codes, and descriptions to the
30 central repository upon its behalf.

31 3. In order for the Missouri office of prosecution
32 services to maintain complete and accurate statewide reports
33 as required by section 56.750, on or before January 1, 2028,
34 and thereafter, all police officers of this state, the
35 sheriff and each deputy sheriff of each county, and the
36 chief law enforcement official of a city not within a county
37 and his or her officers shall submit referrals for any
38 traffic violation, ordinance violation, or misdemeanor or
39 felony offense referred to a prosecuting or circuit attorney
40 in the form and manner approved by the Missouri office of
41 prosecution services as required by subdivision (7) of
42 subsection 1 of section 56.750. At a minimum, any referral
43 to a prosecuting attorney or circuit attorney for a felony
44 offense shall include a probable cause statement and an
45 investigative report. Any law enforcement agency that
46 violates this subsection shall be ineligible to receive
47 state or federal funds that would otherwise be paid to such
48 agency for law enforcement, safety, or criminal justice
49 purposes.

50 4. In instances where an individual [less than
51 seventeen] under eighteen years of age and not currently

52 certified as an adult is taken into custody for an offense
53 [which] that would be a class A or B felony, felony under
54 chapter 566, or two felony offenses committed within one
55 hundred eighty days of each other, if committed by an adult,
56 the arresting officer shall take fingerprints for the
57 central repository. These fingerprints shall be taken on
58 fingerprint cards supplied by or approved by the highway
59 patrol or transmitted electronically in a format and manner
60 approved by the highway patrol and in compliance with the
61 standards set by the Federal Bureau of Investigation in its
62 Automated Fingerprint Identification System or its successor
63 program. [The fingerprint cards shall be so constructed
64 that the name of the juvenile should not be made available
65 to the central repository.] The individual's name and the
66 unique number associated with the fingerprints and other
67 pertinent information shall be provided to the court of
68 jurisdiction by the agency taking the juvenile into
69 custody. The juvenile's fingerprints and other information
70 shall be forwarded to the central repository and the courts
71 without undue delay. The fingerprint information from the
72 card shall be captured and stored in the automated
73 fingerprint identification system operated by the central
74 repository. In the event the fingerprints are found to
75 match other tenprints or unsolved latent prints, the central
76 repository shall notify the submitting agency who shall
77 notify the court of jurisdiction as per local agreement.
78 [Under section 211.031, in instances where a juvenile over
79 fifteen and one-half years of age is alleged to have
80 violated a state or municipal traffic ordinance or
81 regulation, which does not constitute a felony, and the
82 juvenile court does not have jurisdiction, the juvenile
83 shall not be fingerprinted unless certified as an adult.]

84 5. Upon certification of the individual as an adult,
85 the certifying court shall order a law enforcement agency to
86 immediately fingerprint and photograph the individual and
87 certification papers will be forwarded to the appropriate
88 law enforcement agency with the order for fingerprinting.
89 The law enforcement agency shall submit such fingerprints,
90 photograph, and certification papers to the central
91 repository within fifteen days and shall furnish the offense
92 cycle number associated with the fingerprints to the
93 prosecuting attorney or the circuit attorney of a city not
94 within a county and to the clerk of the court ordering the
95 subject fingerprinted. If the juvenile is acquitted of the
96 crime and is no longer certified as an adult, the
97 prosecuting attorney shall notify within fifteen days the
98 central repository of the change of status of the juvenile.
99 Records of a child who has been fingerprinted and
100 photographed after being taken into custody shall be closed
101 records as provided under section 610.100 if a petition has
102 not been filed within thirty days of the date that the child
103 was taken into custody; and if a petition for the child has
104 not been filed within one year of the date the child was
105 taken into custody, any records relating to the child
106 concerning the alleged offense may be expunged under the
107 procedures in sections 610.122 to 610.126.

108 6. The prosecuting attorney of each county or the
109 circuit attorney of a city not within a county or the
110 municipal prosecuting attorney shall notify the central
111 repository on standard forms supplied by the highway patrol
112 or in a manner approved by the highway patrol of his or her
113 decision to not file a criminal charge on any charge
114 referred to such prosecuting attorney or circuit attorney
115 for criminal charges. All records forwarded to the central
116 repository and the courts by prosecutors or circuit

117 attorneys as required by sections 43.500 to 43.530 shall
118 include the state offense cycle number of the offense, the
119 charge code for the offense, and the originating agency
120 identifier number of the reporting prosecutor, using such
121 numbers as assigned by the highway patrol.

122 7. The clerk of the courts of each county or city not
123 within a county or municipal court clerk shall furnish the
124 central repository, on standard forms supplied by the
125 highway patrol or in a manner approved by the highway
126 patrol, with a record of all charges filed, including all
127 those added subsequent to the filing of a criminal court
128 case, amended charges, and all final dispositions of cases
129 for which the central repository has a record of an arrest
130 or a record of fingerprints reported pursuant to sections
131 43.500 to 43.506. Such information shall include, for each
132 charge:

133 (1) All judgments of not guilty, acquittals on the
134 ground of mental disease or defect excluding responsibility,
135 judgments or pleas of guilty including the sentence, if any,
136 or probation, if any, pronounced by the court, nolle pros,
137 discharges, releases and dismissals in the trial court;

138 (2) Court orders filed with the clerk of the courts
139 which reverse a reported conviction or vacate or modify a
140 sentence;

141 (3) Judgments terminating or revoking a sentence to
142 probation, supervision or conditional release and any
143 resentencing after such revocation; and

144 (4) The offense cycle number of the offense, and the
145 originating agency identifier number of the sentencing
146 court, using such numbers as assigned by the highway patrol.

147 8. The clerk of the courts of each county or city not
148 within a county shall furnish, to the department of
149 corrections or department of mental health, court judgment

150 and sentence documents and the state offense cycle number
151 and the charge code of the offense which resulted in the
152 commitment or assignment of an offender to the jurisdiction
153 of the department of corrections or the department of mental
154 health if the person is committed pursuant to chapter 552.
155 This information shall be reported to the department of
156 corrections or the department of mental health at the time
157 of commitment or assignment. If the offender was already in
158 the custody of the department of corrections or the
159 department of mental health at the time of such subsequent
160 conviction, the clerk shall furnish notice of such
161 subsequent conviction to the appropriate department by
162 certified mail, return receipt requested, or in a manner and
163 format mutually agreed to, within fifteen days of such
164 disposition.

165 9. Information and fingerprints, photograph and if
166 available, any other unique biometric identification
167 collected, forwarded to the central repository, normally
168 obtained from a person at the time of the arrest, may be
169 obtained at any time the subject is in the criminal justice
170 system or committed to the department of mental health. A
171 law enforcement agency or the department of corrections may
172 fingerprint, photograph, and capture any other unique
173 biometric identification of the person unless collecting
174 other unique biometric identification of the person is not
175 financially feasible for the law enforcement agency, and
176 obtain the necessary information at any time the subject is
177 in custody. If at the time of any court appearance, the
178 defendant has not been fingerprinted and photographed for an
179 offense in which a fingerprint and photograph is required by
180 statute to be collected, maintained, or disseminated by the
181 central repository, the court shall order a law enforcement
182 agency or court marshal to fingerprint and photograph

183 immediately the defendant. The order for fingerprints shall
184 contain the offense, charge code, date of offense, and any
185 other information necessary to complete the fingerprint
186 card. The law enforcement agency or court marshal shall
187 submit such fingerprints, photograph, and if available, any
188 other unique biometric identification collected, to the
189 central repository without undue delay and within thirty
190 days and shall furnish the offense cycle number associated
191 with the fingerprints to the prosecuting attorney or the
192 circuit attorney of a city not within a county and to the
193 court clerk of the court ordering the subject fingerprinted.

194 10. The department of corrections and the department
195 of mental health shall furnish the central repository with
196 all information concerning the receipt, escape, execution,
197 death, release, pardon, parole, commutation of sentence,
198 granting of executive clemency, legal name change, or
199 discharge of an individual who has been sentenced to that
200 department's custody for any offenses which are mandated by
201 law to be collected, maintained or disseminated by the
202 central repository. All records forwarded to the central
203 repository by the department as required by sections 43.500
204 to 43.651 shall include the offense cycle number of the
205 offense, and the originating agency identifier number of the
206 department using such numbers as assigned by the highway
207 patrol.

56.265. 1. The county prosecuting attorney in any
2 county, other than in a chartered county, shall receive an
3 annual salary computed using the following schedule, when
4 applicable. The assessed valuation factor shall be the
5 amount thereof as shown for the year immediately preceding
6 the year for which the computation is done.

7 (1) For a full-time prosecutor prosecuting attorney,
8 the prosecutor prosecuting attorney shall receive

9 compensation equal to the compensation of [an associate] a
10 presiding circuit judge;

11 (2) For a part-time [prosecutor:

12	Assessed Valuation	Amount
13	\$18,000,000 to 40,999,999	\$37,000
14	41,000,000 to 53,999,999	38,000
15	54,000,000 to 65,999,999	39,000
16	66,000,000 to 85,999,999	41,000
17	86,000,000 to 99,999,999	43,000
18	100,000,000 to 130,999,999	45,000
19	131,000,000 to 159,999,999	47,000
20	160,000,000 to 189,999,999	49,000
21	190,000,000 to 249,999,999	51,000
22	250,000,000 to 299,999,999	53,000
23	300,000,000 or more	55,000]

24 prosecuting attorney, the prosecuting attorney shall receive
25 compensation equal to sixty percent of the compensation of a
26 presiding circuit judge.

27 2. Two thousand dollars of the salary shall be payable
28 to any prosecuting attorney only if the prosecuting attorney
29 has completed at least twenty hours of classroom instruction
30 each calendar year relating to the operations of the
31 prosecuting attorney's office when approved by a
32 professional association of the county prosecuting attorneys
33 of Missouri unless exempted from the training by the
34 professional association. The professional association

35 approving the program shall provide a certificate of
36 completion to each prosecuting attorney who completes the
37 training program and shall send a list of certified
38 prosecuting attorneys to the treasurer of each county or
39 city not within a county. Expenses incurred for attending
40 the training session may be reimbursed to the prosecuting
41 attorney in the same manner as other expenses as may be
42 appropriated for that purpose.

43 3. Each calendar year, five thousand dollars of the
44 salary shall be payable to any prosecuting attorney only if
45 the prosecuting attorney has collected the data described in
46 subsection 2 of section 56.750 in a manner approved by the
47 prosecutors coordinators training council and makes the data
48 described in subsection 2 of section 56.750 readily
49 accessible to the Missouri office of prosecution services.
50 The Missouri office of prosecution services shall provide a
51 certificate of compliance to each prosecuting attorney who
52 complies with this subsection and shall send a list of any
53 certified prosecuting attorney to the respective treasurer
54 of each county or city not within a county.

55 4. For each calendar year, three thousand dollars of
56 the salary shall be payable to any prosecuting attorney only
57 if the prosecuting attorney has provided discovery to
58 criminal defense attorneys who have entered an appearance on
59 behalf of a defendant in a manner approved by the
60 prosecutors coordinators training council. The Missouri
61 office of prosecution services shall provide a certificate
62 of compliance to each prosecuting attorney who complies with
63 this subsection and shall send a list of any certified
64 prosecuting attorney to the respective treasurer of each
65 county or city not within a county.

66 5. As used in this section, the term "prosecuting
67 attorney" includes the circuit attorney of any city not
68 within a county.

69 6. The prosecuting attorney of any county which
70 becomes a county of the first classification during a four-
71 year term of office or a county which passed the proposition
72 authorized by subsection 1 of section 56.363 shall not be
73 required to devote full time to such office pursuant to
74 section 56.067 until the beginning of the prosecuting
75 attorney's next term of office or until the proposition
76 otherwise becomes effective.

77 7. The provisions of section 56.066 shall not apply to
78 full-time prosecutors who are compensated pursuant to
79 subdivision (1) of subsection 1 of this section.

80 8. The increase in compensation provided by this
81 section shall be effective August 28, 2026. Given the
82 additional duties assigned to prosecuting attorneys pursuant
83 to section 211.071, the increase in compensation provided by
84 this section shall be effective immediately.

211.021. As used in this chapter, unless the context
2 clearly requires otherwise, the following terms shall mean:

3 (1) "Adult" **[means]**, a person eighteen years of age or
4 older;

5 (2) "Child" **[means]**, any person under eighteen years
6 of age;

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

10 (4) "Juvenile detention facility", a place,
11 institution, building or part thereof, set of buildings or
12 area, whether or not enclosing a building or set of
13 buildings, which has been designated by the juvenile court
14 as a place of detention for juveniles and which is operated,

15 administered, and staffed separately and independently of a
16 jail or other detention facility for adults and used
17 exclusively for the lawful custody and treatment of
18 juveniles. A juvenile detention facility may be located in
19 the same building or grounds as a jail or other adult
20 detention facility if there is spatial separation between
21 the facilities which prevents haphazard or accidental
22 contact between juvenile and adult detainees; there is
23 separation between juvenile and adult program activities;
24 and there are separate juvenile and adult staff other than
25 specialized support staff who have infrequent contact with
26 detainees. The facility may be owned or operated by public
27 or private agencies;

28 (5) "Legal custody" [means], the right to the care,
29 custody and control of a child and the duty to provide food,
30 clothing, shelter, ordinary medical care, education,
31 treatment and discipline of a child. Legal custody may be
32 taken from a parent only by court action and if the legal
33 custody is taken from a parent without termination of
34 parental rights, the parent's duty to provide support
35 continues even though the person having legal custody may
36 provide the necessities of daily living;

37 [(5)] (6) "Parent" [means], either a natural parent or
38 a parent by adoption and if the child is illegitimate,
39 "parent" means the mother;

40 [(6)] (7) "Shelter care" [means], the temporary care
41 of juveniles in physically unrestricting facilities pending
42 final court disposition. These facilities may include:

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

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

51 (c) "Group home", a child care facility which
52 approximates a family setting, provides access to community
53 activities and resources, and provides care to no more than
54 twelve children.

211.071. 1. If a petition or motion to modify alleges
2 that a child between the ages of fourteen and eighteen has
3 committed an offense that would be considered a class A or B
4 felony, felony under chapter 566, or two felony offenses
5 committed within one hundred eighty days of each other, if
6 committed by an adult, the court may, upon its own motion or
7 upon motion by the juvenile officer, the office of the
8 prosecuting or circuit attorney, the office of the attorney
9 general if the attorney general is acting as a special
10 prosecuting attorney, the child, or the child's custodian,
11 order a hearing at which the prosecuting or circuit attorney
12 or the attorney general may present evidence if the
13 prosecuting or circuit attorney or the attorney general
14 filed the petition, and may, in its discretion, dismiss the
15 petition or motion to modify and such child may be
16 transferred to the court of general jurisdiction and
17 prosecuted under the general law; except that, if a petition
18 alleges that a child between the ages of twelve and eighteen
19 has committed an offense that would be considered first
20 degree murder under section 565.020, second degree murder
21 under section 565.021, first degree assault under section
22 565.050, forcible rape under section 566.030 as it existed
23 prior to August 28, 2013, rape in the first degree under
24 section 566.030, forcible sodomy under section 566.060 as it
25 existed prior to August 28, 2013, sodomy in the first degree

26 under section 566.060, first degree robbery under section
27 569.020 as it existed prior to January 1, 2017, robbery in
28 the first degree under section 570.023, distribution of
29 drugs under section 195.211 as it existed prior to January
30 1, 2017, or the manufacturing of a controlled substance
31 under section 579.055, if committed by an adult, or a
32 dangerous felony as defined in section 556.061, or any
33 felony involving the use, assistance, or aid of a deadly
34 weapon, or has committed two or more prior unrelated
35 offenses that would be felonies if committed by an adult,
36 the court shall order a hearing, and may, in its discretion,
37 dismiss the petition or motion to modify and transfer the
38 child to a court of general jurisdiction for prosecution
39 under the general law.

40 2. Upon apprehension and arrest, jurisdiction over the
41 criminal offense allegedly committed by any person between
42 eighteen and twenty-one years of age over whom the juvenile
43 court has retained continuing jurisdiction shall
44 automatically terminate and that offense shall be dealt with
45 in the court of general jurisdiction as provided in section
46 211.041.

47 3. Knowing and willful age misrepresentation by a
48 juvenile subject shall not affect any action or proceeding
49 which occurs based upon the misrepresentation. Any evidence
50 obtained during the period of time in which a child
51 misrepresents his or her age may be used against the child
52 and will be subject only to rules of evidence applicable in
53 adult proceedings.

54 4. Written notification of a transfer hearing shall be
55 given to the juvenile and his or her custodian in the same
56 manner as provided in sections 211.101 and 211.111. Notice
57 of the hearing may be waived by the custodian. Notice shall
58 contain a statement that the purpose of the hearing is to

59 determine whether the child is a proper subject to be dealt
60 with under the provisions of this chapter, and that if the
61 court finds that the child is not a proper subject to be
62 dealt with under the provisions of this chapter, the
63 petition or motion to modify will be dismissed to allow for
64 prosecution of the child under the general law.

65 5. The juvenile officer [may] shall consult with the
66 office of prosecuting or circuit attorney concerning any
67 offense for which the child could be certified as an adult
68 under this section. The prosecuting or circuit attorney
69 shall [have access to] be provided police reports, reports
70 of the juvenile or deputy juvenile officer, statements of
71 witnesses, a copy of the completed Missouri Juvenile
72 Detention Assessment Form (JDTA) or similar form that was
73 used in determining detention and all other records or
74 reports relating to the offense alleged to have been
75 committed by the child. The prosecuting or circuit attorney
76 shall have access to the disposition records of the child
77 when the child has been adjudicated pursuant to subdivision
78 (3) of subsection 1 of section 211.031. The prosecuting or
79 circuit attorney shall not divulge any information regarding
80 the child and the offense until the juvenile court at a
81 judicial hearing has determined that the child is not a
82 proper subject to be dealt with under the provisions of this
83 chapter. Any use of the JDTA or any other assessment system
84 to determine that a child may be held shall be used as a
85 guideline and shall not be mandatory.

86 6. In every incident, the juvenile officer shall
87 consider legally sufficient charges submitted by a law
88 enforcement agency when utilizing the JDTA form to determine
89 whether or not to detain a child and shall provide a copy of
90 that completed JDTA form to the law enforcement agency once
91 a determination has been made. For purposes of this

92 section, the term "legally sufficient" means a reasonable
93 belief with articulable facts that a crime has been or is
94 being committed based on the totality of the circumstances.

95 7. Juvenile officers shall share criminal history data
96 with the Missouri Uniform Law Enforcement System (MULES) and
97 the Regional Justice Information System (REJIS) in order to
98 create a juvenile criminal history database that shall be
99 accessible by criminal justice and law enforcement
100 agencies.

101 8. A written report shall be prepared in accordance
102 with this chapter developing fully all available information
103 relevant to the criteria which shall be considered by the
104 court in determining whether the child is a proper subject
105 to be dealt with under the provisions of this chapter and
106 whether there are reasonable prospects of rehabilitation
107 within the juvenile justice system. These criteria shall
108 include but not be limited to:

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

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

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

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

120 (5) The record and history of the child, including
121 experience with the juvenile justice system, other courts,
122 supervision, commitments to juvenile institutions and other
123 placements;

124 (6) The sophistication and maturity of the child as
125 determined by consideration of his or her home and
126 environmental situation, emotional condition and pattern of
127 living;

128 (7) The age of the child;

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

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

134 (10) Racial disparity in certification.

135 [7.] 9. If the court dismisses the petition to permit
136 the child to be prosecuted under the general law, the court
137 shall enter a dismissal order containing:

138 (1) Findings showing that the court had jurisdiction
139 of the cause and of the parties;

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

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

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

146 [8.] 10. A copy of the petition or motion to modify
147 and order of the dismissal shall be sent to the prosecuting
148 attorney.

149 [9.] 11. When a petition or motion to modify has been
150 dismissed thereby permitting a child to be prosecuted under
151 the general law and the prosecution of the child results in
152 a conviction, the jurisdiction of the juvenile court over
153 that child is forever terminated, except as provided in
154 subsection 10 of this section, for an act that would be a
155 violation of a state law or municipal ordinance.

156 [10.] 12. If a petition or motion to modify has been
157 dismissed thereby permitting a child to be prosecuted under
158 the general law and the child is found not guilty by a court
159 of general jurisdiction, the juvenile court shall have
160 jurisdiction over any later offense committed by that child
161 which would be considered a misdemeanor or felony if
162 committed by an adult, subject to the certification
163 provisions of this section.

164 [11.] 13. If the court does not dismiss the petition
165 or motion to modify to permit the child to be prosecuted
166 under the general law, it shall set a date for the hearing
167 upon the petition as provided in section 211.171.

211.331. 1. In each county of the first and second
2 classifications, except as provided by section 211.331, and
3 in the city of St. Louis, it is the duty of the county
4 [commission, or, where there is no county commission, such
5 other authorized] governing body, to provide a [place of
6 detention for children coming within the provisions of this
7 chapter] juvenile detention facility. It is also the duty
8 of the county [commission or other authorized] governing
9 body to provide offices for the personnel of the juvenile
10 court.

11 2. The [place of detention] juvenile detention
12 facility shall be so located and arranged that the child
13 being detained does not come in contact, at any time or in
14 any manner, with adults convicted or under arrest, and the
15 care of children in detention shall approximate as closely
16 as possible the care of children in good homes.

17 3. The [place of detention] juvenile detention
18 facility shall be in charge of a superintendent. The judge
19 of the juvenile court or the family court administrator, if
20 provided by local rule, shall appoint and fix the
21 compensation and maintenance of the superintendent and of

22 any assistants or other personnel required to operate the
23 detention facility. Such compensation and maintenance are
24 payable out of funds of the county.

25 4. The county [commission or other] governing body [of
26 the county] is authorized to lease or to acquire by
27 purchase, gift or devise land for such purpose, and to erect
28 buildings thereon and to provide funds to equip and maintain
29 the same for the subsistence and education of the children
30 placed therein.

211.341. 1. [Counties of the third and fourth classes
2 within one judicial circuit, shall,] Upon the written
3 recommendation of the [circuit] presiding judge of that
4 judicial circuit, or upon written notice from the county
5 governing body to the presiding judge of approval of
6 ordinances, orders, or resolutions authorizing a judicial
7 detention facility by all counties within that judicial
8 circuit and the agreement provided in section 211.342,
9 counties of the third and fourth classes within one judicial
10 court shall establish a [place of] juvenile detention
11 facility to serve all of the counties within that judicial
12 circuit, and in like manner, the counties shall supply
13 offices for the juvenile officers of that circuit.

14 2. The recommendation of the [circuit] presiding judge
15 provided in subsection 1 of this section shall be made only
16 after a hearing conducted by [him] the judge, after thirty
17 days' notice, to determine the need and feasibility of
18 establishing such a place of detention within the judicial
19 circuit.

20 3. The provisions of section 211.331 apply as to the
21 form of operation and means of maintenance of [the place of]
22 a juvenile detention facility, except that the total cost of
23 establishment and operation of [the places of] a juvenile
24 detention facility shall be prorated among the several

25 counties within that judicial circuit upon a ratio to be
26 determined by a comparison of the respective populations of
27 the counties. The point of location of the [place of]
28 juvenile detention facility shall be determined by the
29 [circuit] presiding judge of the judicial circuit or
30 pursuant to an agreement established by section 211.342.

31 [2.] 4. [Circuit judges of any two or more adjoining
32 judicial circuits after a hearing as provided in subsection
33 1 may, by agreement confirmed by judicial order, and] In the
34 interest of economy of administration, after a hearing as
35 provided in subsection 2 of this section, the presiding
36 judges of any two or more adjoining judicial circuit may
37 establish one [place of] juvenile detention facility to
38 serve their respective judicial circuits, by agreement
39 confirmed by judicial order. In such event, the [circuit]
40 presiding judges so agreeing shall jointly govern the
41 affairs of the [place of] juvenile detention facility and
42 the cost thereof shall be apportioned among the counties
43 served in the manner provided for in subsection 1 of this
44 section.

45 [3.] 5. Any county of the third or fourth class
46 desiring to provide its own [place of] juvenile detention
47 facility may do so in the manner prescribed for counties of
48 the first and second classes.

211.342. 1. (1) In coordination with each other, the
2 governing bodies of the counties within the same judicial
3 circuit may establish a juvenile detention facility to serve
4 the judicial circuit.

5 (2) The governing body of each county desiring to
6 coordinate a juvenile detention facility under this
7 subsection shall approve an ordinance, order, or resolution
8 authorizing a juvenile detention facility within one of the
9 counties and shall approve an agreement between all counties

10 within the same judicial circuit, as specified by subsection
11 4 of this section.

12 2. (1) In coordination with each other, the governing
13 bodies of the counties in adjoining judicial circuits may
14 establish a juvenile detention facility to serve the
15 judicial circuits.

16 (2) The governing body of each county desiring to
17 coordinate a juvenile detention facility under this
18 subsection shall approve an ordinance, order, or resolution
19 authorizing a juvenile detention facility within one of the
20 counties and shall approve an agreement between all counties
21 within each judicial circuit, as specified by subsection 4
22 of this section.

23 3. The governing body of each county desiring to
24 coordinate a juvenile detention facility under subsection 1
25 or 2 of this section shall notify the presiding judge of the
26 judicial circuit or each judicial circuit of the
27 authorization of a juvenile detention facility. The notice
28 shall include the authorizing ordinance, order, or
29 resolution of each county and the approved agreement, as
30 specified in subsection 4 of this section.

31 4. The agreement that specifies the duties of each
32 county shall contain the following:

33 (1) The total cost of establishment and operation of
34 the places of detention;

35 (2) The prorated formula for the calculation of each
36 county's contribution to the costs of a juvenile detention
37 facility based upon a ratio of the respective populations of
38 the counties;

39 (3) The methods and powers that may be used for
40 constructing, leasing, or financing a juvenile detention
41 facility;

42 (4) The use of the sales tax as authorized by
43 subsection 6 of this section; and

44 (5) The point of location of the place of juvenile
45 detention facility.

46 5. Subsection 3 and 4 of section 211.331 shall apply
47 to a juvenile detention facility authorized pursuant to this
48 section. The operation and support of a juvenile detention
49 facility authorized pursuant to this section shall be
50 regulated in accordance with the rules and standards of the
51 Missouri supreme court under the governance of the presiding
52 judge of the judicial circuit. If the counties of adjoining
53 judicial circuits have authorized a juvenile detention
54 facility pursuant to this section, the presiding judges
55 shall jointly govern the affairs of the juvenile detention
56 facility.

57 6. (1) The counties authorizing a juvenile detention
58 facility pursuant to this section may impose, by order, a
59 sales tax up to one percent on all retail sales made in such
60 counties which are subject to taxation pursuant to the
61 provisions of sections 144.010 to 144.525 for the purpose of
62 providing a juvenile detention facility. The tax authorized
63 by this section shall be in addition to any and all other
64 sales taxes allowed by law, except that no order imposing a
65 sales tax pursuant to this section shall be effective unless
66 the governing body, for each county in the judicial circuit
67 or circuits submits to the voters of the county, on any
68 election date authorized in chapter 115, a proposal to
69 authorize the governing body of the county to impose a tax.

70 (2) The ballot of submission shall contain, but need
71 not be limited to, the following language:

72 Shall the (counties' names) impose a region-wide
73 sales tax of (insert amount) for the purpose
74 of providing a juvenile detention facility within in

75 the jurisdiction of (judicial circuit's name or
76 judicial circuits' name)?

77 YES NO

78 If you are in favor of the question, place an "X" in
79 the box opposite "YES". If you are opposed to the
80 question, place an "X" in the box opposite "NO".

81 If a majority of the votes cast on the proposal by the
82 qualified voters of the county voting thereon are in favor
83 of the proposal, then the order and any amendment to such
84 order shall be in effect on the first day of the second
85 quarter immediately following the election approving the
86 proposal. If the proposal receives less than the required
87 majority, the governing body of the county shall have no
88 power to impose the sales tax authorized pursuant to this
89 section unless and until the governing body of the county
90 shall again have submitted another proposal to authorize the
91 county commission, or authorized body, to impose the sales
92 tax authorized by this section and such proposal is approved
93 by the required majority of the qualified voters of the
94 county commission, or authorized body, voting on such
95 proposal; however, in no event shall a proposal pursuant to
96 this section be submitted to the voters sooner than twelve
97 months from the date of the last submission of a proposal
98 pursuant to this section.

99 (3) All revenue received by a county from the tax
100 authorized pursuant to this section shall be deposited in a
101 special trust fund and shall be used solely for providing a
102 juvenile detention facility for children coming within the
103 provisions of this chapter for so long as the tax shall
104 remain in effect.

105 (4) Once the tax authorized by this section is
106 abolished or terminated by any means, all funds remaining in
107 the special trust fund shall be used solely for providing a
108 juvenile detention facility for children coming within the
109 provisions of this chapter for the counties. Any funds in
110 such special trust fund which are not needed for current
111 expenditures may be invested by the county commission in
112 accordance with applicable laws relating to the investment
113 of other county funds.

114 (5) All sales taxes collected by the director of
115 revenue pursuant to this section on behalf of any county,
116 less one percent for cost of collection which shall be
117 deposited in the state's general revenue fund after payment
118 of premiums for surety bonds as provided in section 32.087,
119 shall be deposited in a special trust fund, which is hereby
120 created, to be known as the "Juvenile Detention Facility
121 Sales Tax Trust Fund". The moneys in the juvenile detention
122 facility sales tax trust fund shall not be deemed to be
123 state funds and shall not be commingled with any funds of
124 the state. The director of revenue shall keep accurate
125 records of the amount of money in the trust fund which was
126 collected in each county imposing a sales tax pursuant to
127 this section, and the records shall be open to the
128 inspection of officers of each member county and the
129 public. Not later than the tenth day of each month the
130 director of revenue shall distribute all moneys deposited in
131 the trust fund during the preceding month to the county
132 which levied the tax. Such funds shall be deposited with
133 the treasurer of each such county, and all expenditures of
134 funds arising from the juvenile detention facility sales tax
135 trust fund shall be paid pursuant to an appropriation
136 adopted by the governing body of the county. Expenditures
137 may be made from the fund for the function authorized in the

138 order adopted by the governing body of the county submitting
139 the juvenile detention facility tax to the voters.

140 (6) The director of revenue may make refunds from the
141 amounts in the trust fund and credited to any county for
142 erroneous payments and overpayments made, and may redeem
143 dishonored checks and drafts deposited to the credit of such
144 counties. If any county abolishes the tax, the governing
145 body of the county shall notify the director of revenue of
146 the action at least ninety days prior to the effective date
147 of the repeal, and the director of revenue may order
148 retention in the trust fund, for a period of one year, of
149 two percent of the amount collected after receipt of such
150 notice to cover possible refunds or overpayment of the tax
151 and to redeem dishonored checks and drafts deposited to the
152 credit of such accounts. After one year has elapsed after
153 the effective date of abolition of the tax in such county,
154 the director of revenue shall remit the balance in the
155 account to the county and close the account of that county.
156 The director of revenue shall notify each county in each
157 instance of any amount refunded or any check redeemed from
158 receipts due the county.

159 (7) Except as provided in this section, all provisions
160 of sections 32.085 and 32.087 shall apply to the tax imposed
161 pursuant to this section.