

SECOND REGULAR SESSION

# HOUSE BILL NO. 1252

95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CURLS.

3720L.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 211.073, RSMo, and to enact in lieu thereof one new section relating to sentences under dual jurisdiction.

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

Section A. Section 211.073, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 211.073, to read as follows:

211.073. 1. The court may, in a case when the offender is under seventeen years of age and has been transferred to a court of general jurisdiction pursuant to section 211.071, and whose prosecution results in a conviction or a plea of guilty, invoke dual jurisdiction of both the criminal and juvenile codes, as set forth in this section. The court is authorized to impose a juvenile disposition under this chapter and simultaneously impose an adult criminal sentence, the execution of which shall be suspended **or suspend imposition of an adult criminal sentence** pursuant to the provisions of this section. Successful completion of the juvenile disposition ordered shall be a condition of the suspended adult criminal sentence. The court may order an offender into the custody of the division of youth services pursuant to this section if:

(1) A facility is designed and built by the division of youth services specifically for offenders sentenced pursuant to this section and if the division determines that there is space available, based on design capacity, in the facility; and

(2) Upon agreement of the division.

2. If there is probable cause to believe that the offender has violated a condition of the suspended sentence or committed a new offense, the court shall conduct a hearing on the violation charged, unless the offender waives such hearing. If the violation is established and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 found the court may continue or revoke the juvenile disposition, impose the adult criminal  
18 sentence, or enter such other order as it may see fit.

19           3. When an offender has received a suspended sentence **or imposition of sentence has**  
20 **been suspended** pursuant to this section and the division determines the child is beyond the  
21 scope of its treatment programs, the division of youth services may petition the court for a  
22 transfer of custody of the offender. The court shall hold a hearing and shall:

23           (1) Revoke the suspension and direct that the offender be taken into immediate custody  
24 of the department of corrections; or

25           (2) Direct that the offender be placed on probation.

26           4. When an offender who has received a suspended sentence **or had imposition of**  
27 **sentence suspended** reaches the age of seventeen, the court shall hold a hearing. The court  
28 shall:

29           (1) Revoke the suspension and direct that the offender be taken into immediate custody  
30 of the department of corrections; **or**

31           **Impose a sentence and direct that the offender be taken into immediate custody**  
32 **of the department of corrections; or**

33           [(2)] (3) Direct that the offender be placed on probation; or

34           [(3)] (4) Direct that the offender remain in the custody of the division of youth services  
35 if the division agrees to such placement.

36           5. The division of youth services shall petition the court for a hearing before it releases  
37 an offender who comes within subsection 1 of this section at any time before the offender  
38 reaches the age of twenty-one years. The court shall:

39           (1) Revoke the suspension and direct that the offender be taken into immediate custody  
40 of the department of corrections; or

41           (2) **Impose a sentence and direct that the offender be taken into immediate custody**  
42 **of the department of corrections; or**

43           (3) Direct that the offender be placed on probation.

44           6. If the suspension of the adult criminal sentence is revoked, all time served by the  
45 offender under the juvenile disposition shall be credited toward the adult criminal sentence  
46 imposed.

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