

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 1641, Page 1, Section 211.033, Line 3, by inserting immediately after the
2 word "sentence" on said line the following:

3
4 "or as provided in subsection 13 of section 211.071"; and

5
6 Further amend said bill, Section 211.071, Page 4, Lines 81- 88, by deleting all of said lines and
7 inserting in lieu thereof the following:

8
9 "12. Any child certified under this section on or after January 1, 2018, and held in secure
10 custody prior to the disposition of his or her case shall be detained in an alternative detention
11 facility, which adheres to standards set forth by the workgroup established under subsection 5 of
12 section 211.151, except as provided in subsection 13 of this section. Upon turning seventeen years
13 of age, any certified child held in an alternative detention facility shall be transferred to a jail or
14 other adult detention facility, as the term "jail or other adult detention facility" is defined under
15 section 211.151.

16 13. The court in which the criminal matter is pending may order a certified child transferred
17 from an alternative detention facility as defined in subdivision (3) of subsection 4 of section 211.151
18 to a jail or other adult detention facility pending disposition of the criminal case upon a petition by
19 the director of the alternative detention facility and a showing of good cause."; and

20
21 Further amend said bill and page, Section 211.151, Lines 8-9, by deleting all of said lines and
22 inserting in lieu thereof the following;

23
24 "2. A child, including a child transferred to the court of general jurisdiction on or after
25 January 1, 2018, pursuant to the provisions of section 211.071, shall not be detained in a jail or
26 other adult detention facility pending disposition of a case, except as provided in subsection 13 of
27 section 211.071."; and

28
29 Further amend said bill and section, Page 5, Lines 38-48, by deleting all of said lines and inserting
30 in lieu thereof the following;

31
32 "(3) As used in this section, the term "alternative detention facility" means any secure
33 facility administered by state, county, or local law enforcement and correctional agencies, whose
34 purpose is to detain a child certified as an adult under section 211.071 who has been charged with
35 violating a criminal law pending trial and which adheres to standards of operation as defined by the
36 workgroup established in subsection 5 of this section.

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 5. The division of youth services in collaboration with the office of state courts administrator
2 shall establish the "Certified Youth Jail Removal Workgroup":

3 (1) The purpose of the workgroup shall be to develop by January 1, 2018, a formal plan for
4 removal of certified children under the age of seventeen years of age from adult jail pending trial
5 and sentencing. The workgroup shall consist of, but not be limited to, the following members: two
6 members from the division of youth services appointed by the director of the division of youth
7 services; two members from the office of state courts administrator, one juvenile officer from an
8 urban jurisdiction, one juvenile officer from a rural jurisdiction, one superintendent of a juvenile
9 detention center from an urban jurisdiction, one superintendent of a juvenile detention center from a
10 rural jurisdiction, and one juvenile officer from a jurisdiction having no juvenile detention facility,
11 all of whom are appointed by the office of state courts administrator; the director of the department
12 of corrections or his or her designee; the executive director of the Missouri association of counties
13 or his or her designee; the executive director of the Missouri office of prosecution services or his or
14 her designee; the executive director of the Missouri Sheriffs' Association or his or her designee; the
15 director of the department of elementary and secondary education or his or her designee; the
16 director of the department of mental health or his or her designee; the director of the Missouri state
17 public defender or his or her designee; the executive director of the Missouri juvenile justice
18 association or his or her designee; the president of Families and Friends Organizing for Reform of
19 Juvenile Justice or his or her designee; one juvenile detention center chaplain or a member of the
20 faith-based community appointed by the president pro tempore of the senate; one young adult who
21 was incarcerated as a child appointed by the speaker of the house of representatives; two members
22 from the Missouri house of representatives appointed by the speaker of the house of representatives;
23 and two members from the Missouri senate appointed by the president pro tempore of the senate;

24 (2) By January 1, 2017, the workgroup shall make recommendations to the general assembly
25 regarding alternative detention facilities for secure custody of a child who has been certified under
26 section 211.071 pending disposition of his or her case as well as standards for operating said
27 alternative detention facilities. The recommendations submitted to the general assembly shall address
28 the following:

29 (a) The appropriate facility description including physical structure and location;

30 (b) The appropriate funding mechanism for implementation and ongoing financial support of
31 alternative detention facilities in compliance with the provisions of article X, section 16 of the
32 Missouri Constitution;

33 (c) Programming and services elements including education, mental health services,
34 transition planning, and youth development of incarcerated certified youth;

35 (d) Operational and administrative elements including transportation to court proceedings,
36 and training requirements for facility staff;

37 (e) Defining what is "good cause" to return the child to an adult jail prior to sentencing under
38 subsection 13 of section 211.071;

39 (f) Funding of programs and services that coincide with Missouri's fiscal appropriation
40 calendar; and

41 (g) Additional recommendations that are within the scope and purpose of the workgroup.

42 (3) The workgroup shall automatically terminate on September 1, 2018, unless previously
43 reauthorized by the general assembly. Members of the workgroup shall serve without
44 compensation."; and

45
46 Further amend said bill and page, Section 221.044, Lines 1-5, by deleting all of said lines and
47 inserting in lieu thereof the following:
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1 "221.240. When any person shall be committed to jail or alternative detention facility as
2 defined in subdivision (3) of subsection 4 of section 211.151, in conformity to section 221.230, it
3 shall be the duty of the sheriff of the county in which said jail or alternative detention facility is
4 situated to take, or cause to be taken, the person thus committed, together with the day and cause of
5 his or her capture and detention, before the circuit court of the county appointed for the trial of such
6 prisoner, at such time as the cause is set for trial and at such other times as the court shall direct.";
7 and

8
9 Further amend said bill and page, Section B, Lines 1-2, by deleting all of said lines and inserting in
10 lieu thereof the following:

11
12 "Section B. The repeal and reenactment of sections 211.033, 221.044, and 221.240 of this
13 act shall become effective January 1, 2018."; and

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15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.
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