

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Bill No. 143, Page 1, Section A, Line 2, by inserting after said section and line the  
2 following:

3  
4 "211.072. 1. (1) A juvenile under eighteen years of age who has been certified to stand trial  
5 as an adult for an offense under section 211.071 and who is currently placed in a juvenile detention  
6 facility shall remain in the juvenile detention facility pending finalization of the judgment and  
7 completion of appeal, if any, of the judgment dismissing the juvenile petition to allow for  
8 prosecution under the general laws unless otherwise ordered by the juvenile court.

9 (2) Upon the judgment dismissing the petition to allow prosecution under the general laws  
10 becoming final and adult charges being filed, if the juvenile is currently in a juvenile detention  
11 facility, the juvenile shall remain in the juvenile detention facility unless the juvenile posts bond or  
12 the juvenile is transferred to a jail or other adult detention facility.

13 (3) If the juvenile officer does not believe a juvenile detention facility would be the  
14 appropriate placement or would continue to serve as the appropriate placement, the juvenile officer  
15 may file a motion in the adult criminal case requesting that the juvenile be transferred from the  
16 juvenile detention facility to a jail or other adult detention facility. The court shall hear evidence  
17 relating to the appropriateness of the juvenile remaining in the juvenile detention facility or being  
18 transferred to a jail or other adult detention facility. At such hearing, the following shall have the  
19 right to be present and have the opportunity to present evidence and recommendations at such  
20 hearing:

21 (a) The juvenile;

22 (b) The juvenile's parents;

23 (c) The juvenile's counsel, the prosecuting attorney, the juvenile officer or his or her  
24 designee for the circuit in which the juvenile was certified; and

25 (d) The juvenile officer or his or her designee for the circuit in which the pretrial certified  
26 juvenile is proposed to be held, if different, counsel for the juvenile officer, and representatives of  
27 the county proposed to have custody of the pretrial certified juvenile.

28 2. (1) Following such hearing, the court shall order that the juvenile continue to be held in  
29 the juvenile detention facility, subject to all Missouri juvenile detention standards, or shall order that  
30 the pretrial certified juvenile be held in a jail or other adult detention facility but only after the court  
31 has made findings that it would be in the interest of justice to move the pretrial certified juvenile to a  
32 jail or other adult detention facility.

33 (2) The court shall weigh the following factors when deciding whether to detain a certified  
34 juvenile in a jail or other adult detention facility:

35 (a) The certified juvenile's age;

36 (b) The certified juvenile's physical and mental maturity;

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1 (c) The certified juvenile's present mental state, including whether the juvenile presents an  
2 imminent risk of self-harm;

3 (d) The nature and circumstances of the charges;

4 (e) The certified juvenile's history of delinquency;

5 (f) The relative ability of the available adult and juvenile facilities to meet both the needs of  
6 the certified juvenile and to protect the public and other youth in the juvenile detention facility's  
7 custody;

8 (g) The opinion of the juvenile officer in the circuit of the proposed placement as to the  
9 ability of that juvenile detention facility to provide for appropriate care, custody, and control of the  
10 pretrial certified juvenile; and

11 (h) Any other relevant factors.

12 3. In the event the court finds that the best interests of justice require the certified juvenile to  
13 be held in a jail or other adult detention facility, the court shall hold a hearing once every sixty days  
14 to determine whether the placement of the certified juvenile in the jail or other adult detention  
15 facility is still in the best interests of justice.

16 4. A certified juvenile shall not be held in a jail or other adult detention facility for more  
17 than one hundred eighty days unless the court finds, for good cause, that an extension is necessary  
18 or the juvenile, through counsel, waives the one- hundred-eighty-day maximum period.

19 5. Beginning December 21, 2021, all previously certified pretrial juveniles under eighteen  
20 years of age who had been certified prior to the effective date of this section shall be transferred  
21 from a jail or other adult detention facility to a juvenile detention facility unless a hearing is held  
22 and the court finds, based upon the factors under subsection 2 of this section, that it would be in the  
23 best interests of justice to keep the juvenile in the jail or other adult detention facility.

24 6. All pretrial certified juveniles under eighteen years of age who are held in a jail or other  
25 adult detention facility under the interests of justice exception shall continue to be subject to the  
26 protections of the Prison Rape Elimination Act's (PREA) youthful inmates provisions and shall be  
27 sight and sound separated from adult inmates.

28 7. If the certified juvenile remains in a juvenile detention facility, the juvenile officer may  
29 file a motion to reconsider placement. The court shall consider the factors set forth under subsection  
30 2 of this section, and the individuals set forth under subsection 1 of this section shall have a right to  
31 be present and present evidence. The court may amend its earlier order in light of the evidence and  
32 arguments presented at subsequent hearings upon making a finding that it would not be in the best  
33 interests of justice for the juvenile to remain in a juvenile detention facility.

34 8. Issues related to the setting and posting of bond along with any bond forfeiture  
35 proceedings shall be held in the pretrial certified juvenile's adult criminal case.

36 9. Upon attaining eighteen years of age or upon conviction on the adult charges, the juvenile  
37 shall be transferred from the juvenile detention facility to the appropriate jail or other adult detention  
38 facility.

39 10. Any responsibility for transportation of the postcertified juvenile who remains in a  
40 juvenile detention facility shall be handled in the same manner as in all other adult criminal cases in  
41 which the defendant is in custody.

42 11. The per diem provisions set forth under section 211.156 shall apply to postcertified  
43 juveniles who are being held in a juvenile detention facility.

44 211.261. 1. An appeal shall be allowed to the child from any final judgment, order or  
45 decree made under the provisions of this chapter and may be taken on the part of the child by its  
46 parent, guardian, legal custodian, spouse, relative or next friend. An appeal shall be allowed to a  
47 parent from any final judgment, order or decree made under the provisions of this chapter which  
48 adversely affects him. An appeal shall be allowed to the juvenile officer from any final judgment,  
49 order or decree made under this chapter, except that no such appeal shall be allowed concerning a

1 final determination pursuant to subdivision (3) of subsection 1 of section 211.031. Notice of appeal  
2 shall be filed within thirty days after the final judgment, order or decree has been entered but neither  
3 the notice of appeal nor any motion filed subsequent to the final judgment acts as a supersedeas  
4 unless the court so orders.

5 2. Notwithstanding the provisions of subsection 1 of this section, an appeal shall be allowed  
6 to the:

7 (1) Juvenile officer from any order suppressing evidence, a confession or an admission, in  
8 proceedings under subdivision (3) of subsection 1 of section 211.031; or

9 (2) Parent, guardian ad litem, or juvenile officer from any order changing or modifying the  
10 placement of a child.

11 3. The appeal provided for in subsection 2 of this section shall be an interlocutory appeal,  
12 filed in the appropriate district of the Missouri court of appeals. Notice of such interlocutory appeal  
13 shall be filed within three days of the entry of the order of trial court; the time limits applicable to  
14 such appeal shall be the same as in interlocutory appeals allowed to the state in criminal cases."; and  
15

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