

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 128
101ST GENERAL ASSEMBLY

1113H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 211.181, 211.435, 211.438, 211.439, 217.195, 217.777, 485.060, and 559.120, RSMo, and to enact in lieu thereof twenty-six new sections relating to the public safety, with penalty provisions and emergency clauses for certain sections.

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

Section A. Sections 211.181, 211.435, 211.438, 211.439, 217.195, 217.777, 485.060, and 559.120, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 210.143, 210.493, 210.1250, 210.1253, 210.1256, 210.1259, 210.1262, 210.1263, 210.1264, 210.1265, 210.1268, 210.1271, 210.1274, 210.1280, 210.1283, 210.1286, 211.012, 211.181, 211.435, 217.195, 217.199, 217.777, 221.065, 485.060, 559.120, and 1, to read as follows:

- 210.143. 1. The children's division; law enforcement, including the state technical assistance team; or prosecuting attorney may petition the circuit court for an order directing an exempt-from-licensure residential care facility, as those terms are defined under section 210.1253, that is the subject of an investigation of child abuse or neglect to present the child at a place and time designated by the court to a children's division worker for an assessment of the child's health, safety, and well-being.**
- 2. The court shall enter an order under this section if:**
- (1) The court determines that there is reasonable suspicion to suspect that the child has been abused or neglected and the residential care facility does not voluntarily provide access to the child;**
- (2) The assessment is reasonably necessary for the completion of an investigation or the collection of evidence; and**
- (3) Doing so is in the best interest of the child.**

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.

14 **3. If the court enters an order to produce the child under this section, the court may**
15 **expand the order to produce other children in the care of the residential care facility upon**
16 **a reasonable suspicion that such children may have been abused or neglected.**

17 **4. The petition and order may be made on an ex parte basis if it is reasonable to**
18 **believe that providing notice may place the child at risk for further abuse or neglect, if it**
19 **is reasonable to believe that providing notice may cause the child to be removed from the**
20 **state of Missouri or the jurisdiction of the court, or if it is reasonable to believe that**
21 **evidence relevant to the investigation will be unavailable if the ex parte order is not**
22 **entered.**

23 **5. Any person served with a subpoena, petition, or order under this section shall**
24 **not be required to file an answer, but may file a motion for a protective order or other**
25 **appropriate relief. The motion shall be filed at or before the time for production or**
26 **disclosure set out in the subpoena or order. The motion shall be in writing, but it may be**
27 **informal and no particular form shall be required. The clerk shall serve a copy of the**
28 **motion on the director of the children's division and any agency who applied for the order.**
29 **The court shall expedite a hearing on the motion and shall issue its decision no later than**
30 **one business day after the date the motion is filed. The court may review the motion in**
31 **camera and stay implementation of the order once for up to three days. The in camera**
32 **review shall be conducted on the record, but steps shall be taken to protect the identity of**
33 **the child. Any information that may reveal the identity of a hotline reporter shall not be**
34 **disclosed to anyone in any proceeding under this subsection unless otherwise allowed by**
35 **law.**

36 **6. The petition for an order under this section shall be filed in the juvenile or family**
37 **court that has judicial custody of the child under section 211.031 or in the circuit court of**
38 **the county:**

39 **(1) Where the child resides;**

40 **(2) Where the child may be found;**

41 **(3) Where the residential care facility is located;**

42 **(4) Where the alleged perpetrator of the child abuse or neglect resides or may be**
43 **found;**

44 **(5) Where the subject of the subpoena may be located or found; or**

45 **(6) Of Cole if none of the other venue provisions of this subsection apply.**

46 **7. The court shall expedite all proceedings under this section so as to ensure the**
47 **safety of the child, the preservation of relevant evidence, that child abuse and neglect**
48 **investigations may be completed within statutory time frames, and that due process is**
49 **provided to the parties involved.**

50 **8. Any person who knowingly violates this section shall be guilty of a class A**
51 **misdemeanor.**

52 **9. The time frames for the children's division to complete its investigation and**
53 **notify the alleged perpetrator of its decision set forth in sections 210.145, 210.152, and**
54 **210.183 shall be tolled from the date that the division files a petition for a subpoena until**
55 **the information is produced in full, until such subpoena is withdrawn, or until a court of**
56 **competent jurisdiction quashes such subpoena.**

210.493. 1. Officers, managers, contractors, volunteers with access to children,
2 **employees, and other support staff of licensed residential care facilities and licensed child**
3 **placing agencies in accordance with sections 210.481 to 210.536; owners of such residential**
4 **care facilities who will have access to the facilities; and owners of such child placing**
5 **agencies who will have access to children shall submit fingerprints and any information**
6 **that the department requires to complete the background checks, as specified in**
7 **regulations established by the department, to the Missouri state highway patrol for the**
8 **purpose of conducting state and federal fingerprint-based background checks.**

9 **2. Officers, managers, contractors, volunteers with access to children, employees,**
10 **and other support staff of residential care facilities subject to the notification requirements**
11 **under sections 210.1250 to 210.1286; any person eighteen years of age or older who resides**
12 **at or on the property of such residential care facility; any person who has unsupervised**
13 **contact with a resident of the residential care facility; and owners of such residential care**
14 **facilities who will have access to the facilities shall submit fingerprints and any information**
15 **that the department requires to complete the background checks, as specified in**
16 **regulations established by the department, to the Missouri state highway patrol for the**
17 **purpose of conducting state and federal fingerprint-based background checks.**

18 **3. A background check shall include:**

19 **(1) A Federal Bureau of Investigation fingerprint check;**

20 **(2) A search of the National Crime Information Center's National Sex Offender**
21 **Registry; and**

22 **(3) A search of the following registries, repositories, or databases in Missouri, the**
23 **state where the applicant resides, and each state where such applicant resided during the**
24 **preceding five years:**

25 **(a) The state criminal registry or repository, with the use of fingerprints being**
26 **required in the state where the applicant resides and optional in other states;**

27 **(b) The state sex offender registry or repository;**

28 **(c) The state family care safety registry; and**

29 **(d) The state-based child abuse and neglect registry and database.**

30 **4. For the purposes this section and notwithstanding any other provision of law,**
31 **"department" means the department of social services.**

32 **5. The department shall be responsible for background checks as part of a**
33 **residential care facility or child placing agency application for licensure, renewal of**
34 **licensure, or for license monitoring.**

35 **6. The department shall be responsible for background checks for residential care**
36 **facilities subject to the notification requirements of sections 210.1250 to 210.1286.**

37 **7. Fingerprint cards and any required fees shall be sent to the Missouri state**
38 **highway patrol's central repository. The fingerprints shall be used for searching the state**
39 **criminal records repository and shall also be forwarded to the Federal Bureau of**
40 **Investigation for a federal criminal records search under section 43.540. The Missouri**
41 **state highway patrol shall notify the department of any criminal history record**
42 **information or lack of criminal history record information discovered on the individual.**
43 **Notwithstanding the provisions of section 610.120, all records related to any criminal**
44 **history information discovered shall be accessible and available to the department.**

45 **8. Fingerprints submitted to the Missouri state highway patrol for the purpose of**
46 **conducting state and federal fingerprint-based background checks under this section shall**
47 **be valid for a period of five years.**

48 **9. The department shall provide the results of the background check to the**
49 **applicant in a statement that indicates whether the applicant is eligible or ineligible for**
50 **employment or presence at the licensed residential care facility or licensed child placing**
51 **agency. The department shall not reveal to the residential care facility or the child placing**
52 **agency any disqualifying offense or other related information regarding the applicant. The**
53 **applicant shall have the opportunity to appeal an ineligible finding.**

54 **10. The department shall provide the results of the background check to the**
55 **applicant in a statement that indicates whether the applicant is eligible or ineligible for**
56 **employment or presence at the residential care facility subject to the notification**
57 **requirements of sections 210.1250 to 210.1286. The department shall not reveal to the**
58 **residential care facility any disqualifying offense or other related information regarding**
59 **the applicant. The applicant shall have the opportunity to appeal an ineligible finding.**

60 **11. An applicant shall be ineligible if the applicant:**

61 **(1) Refuses to consent to the background check as required by this section;**

62 **(2) Knowingly makes a materially false statement in connection with the**
63 **background check as required by this section;**

64 **(3) Is registered, or is required to be registered, on a state sex offender registry or**
65 **repository or the National Sex Offender Registry;**

66 (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to
67 210.183 or any other finding of child abuse or neglect based on any other state's registry
68 or database; or

69 (5) Has pled guilty or nolo contendere to or been found guilty of:

70 (a) Any felony for an offense against the person as defined in chapter 565;

71 (b) Any other offense against the person involving the endangerment of a child as
72 prescribed by law;

73 (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;

74 (d) Any misdemeanor or felony for an offense against the family as defined in
75 chapter 568;

76 (e) Burglary in the first degree as defined in section 569.160;

77 (f) Any misdemeanor or felony for robbery as defined in chapter 570;

78 (g) Any misdemeanor or felony for pornography or related offense as defined in
79 chapter 573;

80 (h) Any felony for arson as defined in chapter 569;

81 (i) Any felony for armed criminal action as defined in section 571.015, unlawful use
82 of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in
83 section 571.070, or the unlawful possession of an explosive as defined in section 571.072;

84 (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120,
85 or 574.125;

86 (k) A felony drug-related offense committed during the preceding five years; or

87 (l) Any similar offense in any federal, state, or other court of similar jurisdiction
88 of which the department has knowledge.

89 12. Any person aggrieved by a decision of the department shall have the right to
90 seek an administrative review. The review shall be filed with the department within
91 fourteen days from the mailing of the notice of ineligibility. Any decision not timely
92 appealed shall be final.

93 13. Any required fees shall be paid by the individual applicant, facility, or agency.

94 14. The department is authorized to promulgate rules, including emergency rules,
95 to implement the provisions of this section. Any rule or portion of a rule, as that term is
96 defined in section 536.010, that is created under the authority delegated in this section shall
97 become effective only if it complies with and is subject to all of the provisions of chapter
98 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and
99 if any of the powers vested with the general assembly pursuant to chapter 536 to review,
100 to delay the effective date, or to disapprove and annul a rule are subsequently held

101 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
102 **after the effective date of this section, shall be invalid and void.**

210.1250. Sections 210.1250 to 210.1286 shall be known and may be cited as the
2 **"Residential Care Facility Notification Act".**

210.1253. As used in sections 210.1250 to 210.1286, unless the context clearly
2 **provides otherwise, the following terms mean:**

3 (1) **"Child", a person who is under eighteen years of age;**

4 (2) **"Department", the department of social services, or the children's division**
5 **within the department of social services, as determined by the department;**

6 (3) **"Director", a person who is responsible for the operation of the residential care**
7 **facility;**

8 (4) **"Exempt-from-licensure" or "license-exempt", a residential care facility that**
9 **is not required to be licensed under section 210.516;**

10 (5) **"Person", an individual, partnership, organization, association, or corporation;**

11 (6) **"Residential care facility", any place, facility, or home operated by any person**
12 **who receives children who are not related to the operator and whose parent or guardian**
13 **is not a resident of the same facility and that provides such children with supervision, care,**
14 **lodging, and maintenance for twenty-four hours a day, with or without transfer of custody.**

210.1256. 1. The department shall be the notification agency for all license-exempt
2 **residential care facilities, and the department shall fulfill the duties and responsibilities of**
3 **the provisions of sections 210.1250 to 210.1286.**

4 **2. A residential care facility shall allow parents or guardians of children in the**
5 **residential care facility unencumbered access to the children in the residential care facility**
6 **without requiring prior notification to the residential care facility.**

7 **3. A residential care facility shall provide for adequate food, clothing, shelter,**
8 **medical care, and other care necessary to provide for the child's physical, mental, or**
9 **emotional health or development.**

210.1259. 1. The director of any residential care facility shall provide the required
2 **notification in accordance with sections 210.1250 to 210.1286 before such operator shall**
3 **accept any children.**

4 **2. All residential care facilities operating on the effective date of sections 210.1250**
5 **to 210.1286 shall register accordingly within three months after the effective date of**
6 **sections 210.1250 to 210.1286.**

7 **3. The provisions of sections 210.1250 to 210.1286 shall not apply to any residential**
8 **care facility that is already licensed so long as the license, registration, or monitoring under**

9 which such facility already operates requires of that facility all requirements provided
10 under sections 210.1250 to 210.1286.

210.1262. The notification shall be filed by the director or his or her designee of the
2 residential care facility to the department on forms provided by the department and shall
3 contain the following information:

4 (1) Name, street address, mailing address, and phone number of the residential care
5 facility;

6 (2) Name of the director, owner, operator, all staff members, volunteers, and any
7 individual eighteen years of age or older who resides at or on the property of the residential
8 care facility;

9 (3) Name and description of the agency or organization operating the residential
10 care facility, including a statement as to whether the agency or organization is
11 incorporated;

12 (4) Name and address of the sponsoring organization of the residential care facility,
13 if applicable;

14 (5) School or schools attended by the children served by the residential care facility;

15 (6) Fire and safety inspection certificate;

16 (7) Local health department inspection certificate; and

17 (8) Proof that medical records are maintained for each child.

210.1263. Officers, managers, contractors, volunteers with access to children,
2 employees, and other support staff of residential care facilities subject to the notification
3 requirements under sections 210.1250 to 210.1286; any person eighteen years of age or
4 older who resides at or on the property of such residential care facility; any person who
5 has unsupervised contact with a resident of such residential care facility; and owners of
6 such residential care facilities who will have access to the facilities shall undergo
7 background checks under section 210.493.

210.1264. Upon request by the department or a law enforcement officer acting
2 within the scope of his or her employment, any license-exempt residential care facility
3 subject to the notification requirements of sections 210.1250 to 210.1286 shall provide a
4 full census and demographic information of children at the residential care facility,
5 including parental or other guardian contact information and a full list of officers,
6 managers, contractors, volunteers with access to children, employees, and other support
7 staff of the residential care facility; any person eighteen years of age or older who resides
8 at or on the property of the residential care facility; and any person who has unsupervised
9 contact with a resident of the residential care facility.

210.1265. The residential care facility shall comply with all fire, safety, health, and sanitation inspections as may be required by state law or local ordinance.

210.1268. When the department is advised or has reason to believe that any residential care facility is operating without proper notification in accordance with sections 210.1250 to 210.1286, it shall give the director of the residential care facility written notice by certified mail that such person shall file notification in accordance with sections 210.1250 to 210.1286 within thirty days after receipt of such notice, or the department may request a court injunction as provided under section 210.1271.

210.1271. 1. Notwithstanding any other remedy, the department, the prosecuting attorney of the county where the facility is located, or the attorney general may seek injunctive relief to cease the operation of the residential care facility and provide for the appropriate removal of the children from the residential care facility and placement in the custody of the parent or legal guardian or any other appropriate individual or entity in the discretion of the court, or refer the matter to the juvenile officer of the appropriate county for appropriate proceedings under chapter 211. Such action shall be brought in the circuit court of the county in which such residential care facility is located and shall be initiated only for the following violations:

(1) Providing supervision, care, lodging, or maintenance for any children in such facility without filing notification in accordance with sections 210.1250 to 210.1286;

(2) Failing to satisfactorily comply with all fire, safety, health, and sanitation inspections as may be required by state law or local ordinance and required under section 210.252;

(3) Failing to comply with background checks as required by section 210.493; or

(4) An immediate health, safety, or welfare concern for the children at the residential care facility.

2. The department may notify the attorney general of any case in which the department makes a referral to a juvenile officer for removal of a child from a residential care facility. The notification shall include any violations under subsection 1 of this section.

3. If the court refers the matter to a juvenile officer, the court may also enter an order placing a child in the emergency, temporary protective custody of the children's division within the department, as provided under this section, for a period of time not to exceed five days. Such placement shall occur only if the children's division certifies to the court that the children's division has a suitable, temporary placement for the child and the court makes specific, written findings that:

(1) It is contrary to the welfare of the child to remain in the residential care facility;

29 (2) The parent or legal guardian is unable or unwilling to take physical custody of
30 the child within that time; and

31 (3) There is no other temporary, suitable placement for the child.

32

33 If the parent or legal guardian of the child does not make suitable arrangements for the
34 custody and disposition of the child within five days of placement within the children's
35 division, the child shall fall under the original and exclusive jurisdiction of the juvenile
36 court under subdivision (1) or (2) of subsection 1 of section 211.031 and the juvenile officer
37 shall file a petition with the juvenile court for further proceedings. Under no circumstances
38 shall the children's division be required to retain care and custody of the child for more
39 than five days without an order from the juvenile court.

40 4. The provisions of sections 452.700 to 452.930 shall apply and the court shall
41 follow the procedures specified under section 452.755 for children who are placed at a
42 residential care facility and who are from another state or country or are under the
43 jurisdiction or authority of a court from another state.

210.1274. Nothing in the statutes of Missouri shall give any governmental agency
2 jurisdiction or authority to regulate or attempt to regulate, control, or influence the form,
3 manner, or content of the religious curriculum, program, or ministry of a school or of a
4 facility sponsored by a church or religious organization.

210.1280. The department shall maintain a list of all residential care facilities in
2 compliance with sections 210.1250 to 210.1286, and the list shall be provided upon request.
3 The list shall also include information regarding how a person may obtain information
4 about the nature and disposition of any substantiated child abuse or neglect reports at or
5 related to the residential care facility, as provided in section 210.150.

210.1283. A person is guilty of a class B misdemeanor if such person subject to
2 background check requirements knowingly fails to complete a background check, as
3 described under sections 210.493 and 210.1263.

210.1286. The department shall promulgate rules and regulations necessary for the
2 implementation of sections 210.1250 to 210.1286. Any rule or portion of a rule, as that
3 term is defined in section 536.010, that is created under the authority delegated in this
4 section shall become effective only if it complies with and is subject to all of the provisions
5 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
6 nonseverable, and if any of the powers vested with the general assembly pursuant to
7 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
8 subsequently held unconstitutional, then the grant of rulemaking authority and any rule

9 **proposed or adopted after the effective date of sections 210.1250 to 210.1286 shall be**
10 **invalid and void.**

211.012. For purposes of this chapter, section 221.044, and the original jurisdiction
2 **of the juvenile court, a person shall not be considered a child if, at the time the alleged**
3 **offense or violation was committed, the person was considered an adult according to then-**
4 **existing law.**

211.181. 1. When a child is found by the court to come within the applicable provisions
2 of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a
3 finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order
4 duly entered, proceed as follows:

5 (1) Place the child under supervision in his or her own home or in the custody of a
6 relative or other suitable person after the court or a public agency or institution designated by the
7 court conducts an investigation of the home, relative or person and finds such home, relative or
8 person to be suitable and upon such conditions as the court may require;

9 (2) Commit the child to the custody of:

10 (a) A public agency or institution authorized by law to care for children or to place them
11 in family homes; except that, such child may not be committed to the department of social
12 services, division of youth services;

13 (b) Any other institution or agency which is authorized or licensed by law to care for
14 children or to place them in family homes;

15 (c) An association, school or institution willing to receive the child in another state if the
16 approval of the agency in that state which administers the laws relating to importation of children
17 into the state has been secured; or

18 (d) The juvenile officer;

19 (3) Place the child in a family home;

20 (4) Cause the child to be examined and treated by a physician, psychiatrist or
21 psychologist and when the health or condition of the child requires it, cause the child to be placed
22 in a public or private hospital, clinic or institution for treatment and care; except that, nothing
23 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment
24 of a child whose parents or guardian in good faith are providing other remedial treatment
25 recognized or permitted under the laws of this state;

26 (5) The court may order, pursuant to subsection 2 of section 211.081, that the child
27 receive the necessary services in the least restrictive appropriate environment including home
28 and community-based services, treatment and support, based on a coordinated, individualized
29 treatment plan. The individualized treatment plan shall be approved by the court and developed
30 by the applicable state agencies responsible for providing or paying for any and all appropriate

31 and necessary services, subject to appropriation, and shall include which agencies are going to
32 pay for and provide such services. Such plan must be submitted to the court within thirty days
33 and the child's family shall actively participate in designing the service plan for the child;

34 (6) The department of social services, in conjunction with the department of mental
35 health, shall apply to the United States Department of Health and Human Services for such
36 federal waivers as required to provide services for such children, including the acquisition of
37 community-based services waivers.

38 2. When a child is found by the court to come within the provisions of subdivision (2)
39 of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact
40 upon which it exercises its jurisdiction over the child, the court may, by order duly entered,
41 proceed as follows:

42 (1) Place the child under supervision in his or her own home or in custody of a relative
43 or other suitable person after the court or a public agency or institution designated by the court
44 conducts an investigation of the home, relative or person and finds such home, relative or person
45 to be suitable and upon such conditions as the court may require;

46 (2) Commit the child to the custody of:

47 (a) A public agency or institution authorized by law to care for children or place them
48 in family homes; except that, a child may be committed to the department of social services,
49 division of youth services, only if he or she is presently under the court's supervision after an
50 adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

51 (b) Any other institution or agency which is authorized or licensed by law to care for
52 children or to place them in family homes;

53 (c) An association, school or institution willing to receive it in another state if the
54 approval of the agency in that state which administers the laws relating to importation of children
55 into the state has been secured; or

56 (d) The juvenile officer;

57 (3) Place the child in a family home;

58 (4) Cause the child to be examined and treated by a physician, psychiatrist or
59 psychologist and when the health or condition of the child requires it, cause the child to be placed
60 in a public or private hospital, clinic or institution for treatment and care; except that, nothing
61 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment
62 of a child whose parents or guardian in good faith are providing other remedial treatment
63 recognized or permitted under the laws of this state;

64 (5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.

65

66 Execution of any order entered by the court pursuant to this subsection, including a commitment
67 to any state agency, may be suspended and the child placed on probation subject to such
68 conditions as the court deems reasonable. After a hearing, probation may be revoked and the
69 suspended order executed.

70 3. When a child is found by the court to come within the provisions of subdivision (3)
71 of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon
72 which it exercises its jurisdiction over the child, and the court may, by order duly entered,
73 proceed as follows:

74 (1) Place the child under supervision in his or her own home or in custody of a relative
75 or other suitable person after the court or a public agency or institution designated by the court
76 conducts an investigation of the home, relative or person and finds such home, relative or person
77 to be suitable and upon such conditions as the court may require; provided that, no child who has
78 been adjudicated a delinquent by a juvenile court for committing or attempting to commit a sex-
79 related offense which if committed by an adult would be considered a felony offense pursuant
80 to chapter 566, including but not limited to rape, forcible sodomy, child molestation, and sexual
81 abuse, and in which the victim was a child, shall be placed in any residence within one thousand
82 feet of the residence of the abused child of that offense until the abused child reaches the age of
83 eighteen, and provided further that the provisions of this subdivision regarding placement within
84 one thousand feet of the abused child shall not apply when the abusing child and the abused child
85 are siblings or children living in the same home;

86 (2) Commit the child to the custody of:

87 (a) A public agency or institution authorized by law to care for children or to place them
88 in family homes;

89 (b) Any other institution or agency which is authorized or licensed by law to care for
90 children or to place them in family homes;

91 (c) An association, school or institution willing to receive it in another state if the
92 approval of the agency in that state which administers the laws relating to importation of children
93 into the state has been secured; or

94 (d) The juvenile officer;

95 (3) Beginning January 1, 1996, the court may make further directions as to placement
96 with the division of youth services concerning the child's length of stay. The length of stay order
97 may set forth a minimum review date;

98 (4) Place the child in a family home;

99 (5) Cause the child to be examined and treated by a physician, psychiatrist or
100 psychologist and when the health or condition of the child requires it, cause the child to be placed
101 in a public or private hospital, clinic or institution for treatment and care; except that, nothing

102 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment
103 of a child whose parents or guardian in good faith are providing other remedial treatment
104 recognized or permitted under the laws of this state;

105 (6) Suspend or revoke a state or local license or authority of a child to operate a motor
106 vehicle;

107 (7) Order the child to make restitution or reparation for the damage or loss caused by his
108 or her offense. In determining the amount or extent of the damage, the court may order the
109 juvenile officer to prepare a report and may receive other evidence necessary for such
110 determination. The child and his or her attorney shall have access to any reports which may be
111 prepared, and shall have the right to present evidence at any hearing held to ascertain the amount
112 of damages. Any restitution or reparation ordered shall be reasonable in view of the child's
113 ability to make payment or to perform the reparation. The court may require the clerk of the
114 circuit court to act as receiving and disbursing agent for any payment ordered;

115 (8) Order the child to a term of community service under the supervision of the court or
116 of an organization selected by the court. Every person, organization, and agency, and each
117 employee thereof, charged with the supervision of a child under this subdivision, or who benefits
118 from any services performed as a result of an order issued under this subdivision, shall be
119 immune from any suit by the child ordered to perform services under this subdivision, or any
120 person deriving a cause of action from such child, if such cause of action arises from the
121 supervision of the child's performance of services under this subdivision and if such cause of
122 action does not arise from an intentional tort. A child ordered to perform services under this
123 subdivision shall not be deemed an employee within the meaning of the provisions of chapter
124 287, nor shall the services of such child be deemed employment within the meaning of the
125 provisions of chapter 288. Execution of any order entered by the court, including a commitment
126 to any state agency, may be suspended and the child placed on probation subject to such
127 conditions as the court deems reasonable. After a hearing, probation may be revoked and the
128 suspended order executed;

129 (9) When a child has been adjudicated to have violated a municipal ordinance or to have
130 committed an act that would be a misdemeanor if committed by an adult, assess an amount of
131 up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been
132 adjudicated to have committed an act that would be a felony if committed by an adult, assess an
133 amount of up to fifty dollars to be paid by the child to the clerk of the court.

134 4. Beginning January 1, 1996, the court may set forth in the order of commitment the
135 minimum period during which the child shall remain in the custody of the division of youth
136 services. No court order shall require a child to remain in the custody of the division of youth
137 services for a period which exceeds the child's ~~eighteenth~~ **nineteenth** birth date except upon

138 petition filed by the division of youth services pursuant to subsection 1 of section 219.021. In
139 any order of commitment of a child to the custody of the division of youth services, the division
140 shall determine the appropriate program or placement pursuant to subsection 3 of section
141 219.021. Beginning January 1, 1996, the department shall not discharge a child from the custody
142 of the division of youth services before the child completes the length of stay determined by the
143 court in the commitment order unless the committing court orders otherwise. The director of the
144 division of youth services may at any time petition the court for a review of a child's length of
145 stay commitment order, and the court may, upon a showing of good cause, order the early
146 discharge of the child from the custody of the division of youth services. The division may
147 discharge the child from the division of youth services without a further court order after the
148 child completes the length of stay determined by the court or may retain the child for any period
149 after the completion of the length of stay in accordance with the law.

150 5. When an assessment has been imposed under the provisions of subsection 2 or 3 of
151 this section, the assessment shall be paid to the clerk of the court in the circuit where the
152 assessment is imposed by court order, to be deposited in a fund established for the sole purpose
153 of payment of judgments entered against children in accordance with section 211.185.

211.435. 1. ~~[There is hereby created in the state treasury the]~~ A "Juvenile Justice
2 Preservation Fund"~~[, which]~~ **is hereby established in each county's circuit court for the**
3 **purpose of implementing and maintaining the expansion of juvenile court jurisdiction to**
4 **eighteen years of age. The fund** shall consist of moneys collected under subsection 2 of this
5 section and sections 488.315 and 558.003, any gifts, bequests, and donations, and any other
6 moneys appropriated by the general assembly. ~~[The state treasurer shall be custodian of the fund.~~
7 ~~In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements.~~
8 ~~The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be~~
9 ~~distributed to the judicial circuits of the state based upon the increased workload created by~~
10 ~~sections 211.021 to 211.425 solely for the administration of the juvenile justice system.~~
11 ~~Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the~~
12 ~~fund at the end of the biennium shall not revert to the credit of the general revenue fund. The~~
13 ~~state treasurer shall invest moneys in the fund in the same manner as other funds are invested.~~
14 ~~Any interest and moneys earned on such investments shall be credited to the fund. The~~
15 ~~provisions of this subsection shall expire on August 28, 2024.]~~

16 2. For all traffic violations of any county ordinance or any violation of traffic laws of this
17 state, including an infraction, in which a person has pled guilty, there shall be assessed as costs
18 a surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding
19 involving a violation of an ordinance or state law when the proceeding or defendant has been
20 dismissed by the court or when costs are to be paid by the state, county, or municipality. Such

21 surcharge shall be collected and disbursed by the clerk of the court as provided by sections
 22 488.010 to 488.020. The surcharge collected under this section shall be ~~paid into the state~~
 23 ~~treasury to the credit of the] payable to the county circuit court~~ juvenile justice preservation
 24 fund created in this section. ~~[The provisions of this subsection shall expire if the provisions of~~
 25 ~~subsection 1 of this section expire.] Funds held by the state treasurer in the state juvenile~~
 26 **justice preservation fund shall be payable and revert to the circuit court's juvenile justice**
 27 **preservation fund in the county of origination.**

28 **3. Expenditures from the county circuit court juvenile justice preservation fund**
 29 **shall be made at the discretion of the juvenile office for the circuit court and shall be used**
 30 **for the sole purpose of implementing and maintaining the expansion of juvenile court**
 31 **jurisdiction.**

32 **4. No moneys deposited in the juvenile justice preservation fund shall be expended**
 33 **for capital improvements.**

34 **5. To further promote the best interests of the children of the state of Missouri,**
 35 **moneys in the juvenile justice preservation fund shall not be used to replace or reduce the**
 36 **responsibilities of either the counties or the state to provide funding for existing and new**
 37 **juvenile treatment services as provided in this chapter and chapter 210 or funding as**
 38 **otherwise required by law.**

217.195. 1. With the approval of ~~[his division director]~~ **the director of the department**
 2 **of corrections**, the chief administrative officer of any correctional center operated by the division
 3 may establish and operate a canteen or commissary for the use and benefit of the offenders.

4 2. ~~[Each correctional center shall keep revenues received from the canteen or~~
 5 ~~commissary established and operated by the correctional center in a separate account] The~~
 6 **"Inmate Canteen Fund" is hereby established in the state treasury and shall consist of**
 7 **funds received from the operation of the inmate canteens.** The acquisition cost of goods sold
 8 and other expenses shall be paid from this account. A minimum amount of money necessary to
 9 meet cash flow needs and current operating expenses may be kept in this ~~[account]~~ **fund.** The
 10 ~~[remaining funds from sales of each commissary or canteen shall be deposited monthly in a~~
 11 ~~special fund to be known as the "Inmate Canteen Fund" which is hereby created and shall be~~
 12 ~~expended by the appropriate division, for the benefit of] proceeds generated from the~~
 13 **operation of the inmate canteens shall be expended solely for any of the following, or**
 14 **combination thereof:** the offenders in the improvement of recreational, religious, ~~[or]~~
 15 educational services, **or reentry services.** All interest earned by the fund shall be credited
 16 **to the fund and shall be used solely for the purposes described in this section.** The
 17 provisions of section 33.080 to the contrary notwithstanding, ~~[the]~~ **any money remaining** in the
 18 inmate canteen fund **at the end of the biennium** shall be retained for the purposes specified in

19 this section and shall not revert **to the credit of** or be transferred to general revenue. [~~The~~
 20 ~~department shall keep accurate records of the source of money deposited in the inmate canteen~~
 21 ~~fund and shall allocate appropriations from the fund to the appropriate correctional center.~~]

217.199. 1. As used in this section, the following terms mean:

2 **(1) "Appropriate quantity", an amount per day capable of satisfying the individual**
 3 **need of the offender if used for the feminine hygiene product's intended purpose;**

4 **(2) "Feminine hygiene products", tampons and sanitary napkins.**

5 **2. The director shall ensure that an appropriate quantity of feminine hygiene**
 6 **products are available at no cost to female offenders while confined in any correctional**
 7 **center of the department. The director shall ensure that the feminine hygiene products**
 8 **conform with applicable industry standards.**

9 **3. The general assembly may appropriate funds to assist the director in satisfying**
 10 **the requirements of this section.**

217.777. 1. The department shall administer a community corrections program to
 2 encourage the establishment of local sentencing alternatives for offenders to:

3 (1) Promote accountability of offenders to crime victims, local communities and the state
 4 by providing increased opportunities for offenders to make restitution to victims of crime
 5 through financial reimbursement or community service;

6 (2) Ensure that victims of crime are included in meaningful ways in Missouri's response
 7 to crime;

8 (3) Provide structured opportunities for local communities to determine effective local
 9 sentencing options to assure that individual community programs are specifically designed to
 10 meet local needs;

11 (4) Reduce the cost of punishment, supervision and treatment significantly below the
 12 annual per-offender cost of confinement within the traditional prison system;

13 (5) Utilize community supervision centers to effectively respond to violations and
 14 prevent revocations; ~~and~~

15 (6) Improve public confidence in the criminal justice system by involving the public in
 16 the development of community-based sentencing options for eligible offenders; **and**

17 **(7) Promote opportunities for nonviolent primary caregivers to care for their**
 18 **dependent children.**

19 2. The program shall be designed to implement and operate community-based restorative
 20 justice projects including, but not limited to: preventive or diversionary programs, community-
 21 based intensive probation and parole services, community-based treatment centers, day reporting
 22 centers, and the operation of facilities for the detention, confinement, care and treatment of adults
 23 under the purview of this chapter.

24 3. The department shall promulgate rules and regulations for operation of the program
25 established pursuant to this section as provided for in section 217.040 and chapter 536.

26 4. Any proposed program or strategy created pursuant to this section shall be developed
27 after identification of a need in the community for such programs, through consultation with
28 representatives of the general public, judiciary, law enforcement and defense and prosecution
29 bar.

30 5. In communities where local volunteer community boards are established at the request
31 of the court, the following guidelines apply:

32 (1) The department shall provide a program of training to eligible volunteers and develop
33 specific conditions of a probation program and conditions of probation for offenders referred to
34 it by the court. Such conditions, as established by the community boards and the department,
35 may include compensation and restitution to the community and the victim by fines, fees, day
36 fines, victim-offender mediation, participation in victim impact panels, community service, or
37 a combination of the aforementioned conditions;

38 (2) The term of probation shall not exceed five years and may be concluded by the court
39 when conditions imposed are met to the satisfaction of the local volunteer community board.

40 6. The department may staff programs created pursuant to this section with employees
41 of the department or may contract with other public or private agencies for delivery of services
42 as otherwise provided by law.

221.065. 1. As used in this section, the following terms mean:

2 (1) "Appropriate quantity", an amount of feminine hygiene products per day
3 capable of satisfying the individual need of the offender if used for the feminine hygiene
4 product's intended purpose;

5 (2) "Feminine hygiene products", tampons and sanitary napkins.

6 2. Every sheriff and jailer who holds a person in custody pursuant to a writ or
7 process or for a criminal offense shall ensure that an appropriate quantity of feminine
8 hygiene products are available at no cost to female persons while in custody. The sheriff
9 or jailer shall ensure that the feminine hygiene products conform with applicable industry
10 standards.

11 3. The general assembly shall appropriate funds to assist sheriffs and jailers in
12 satisfying the requirements of this section.

485.060. 1. Each court reporter for a circuit judge shall receive an annual salary of
2 twenty-six thousand nine hundred dollars beginning January 1, 1985, until December 31, 1985,
3 and beginning January 1, 1986, an annual salary of thirty thousand dollars.

4 2. Such annual salary shall be modified by any salary adjustment provided by section
5 476.405[5].

6 **3. Beginning January 1, 2022, the annual salary, as modified under section 476.405,**
7 **shall be adjusted upon meeting the minimum number of cumulative years of service as a**
8 **court reporter with a circuit court of this state by the following schedule:**

9 **(1) For each court reporter with zero to five years of service: the annual salary**
10 **shall be increased only by any salary adjustment provided by section 476.405;**

11 **(2) For each court reporter with six to ten years of service: the annual salary shall**
12 **be increased by five and one-quarter percent;**

13 **(3) For each court reporter with eleven to fifteen years of service: the annual salary**
14 **shall be increased by eight and one-quarter percent;**

15 **(4) For each court reporter with sixteen to twenty years of service: the annual**
16 **salary shall be increased by eight and one-half percent; or**

17 **(5) For each court reporter with twenty-one or more years of service: the annual**
18 **salary shall be increased by eight and three-quarters percent.**

19
20 **A court reporter may receive multiple adjustments under this subsection as his or her**
21 **cumulative years of service increase, but only one percentage listed in subdivisions (1) to**
22 **(5) of this subsection shall apply to the annual salary at a time.**

23 **4. Salaries shall be payable in equal monthly installments on the certification of the**
24 **judge of the court or division in whose court the reporter is employed. ~~When~~ If paid by the**
25 **state, the salaries of such court reporters shall be paid in semimonthly or monthly installments,**
26 **as designated by the commissioner of administration.**

 559.120. The circuit court may place a defendant on probation and require his or her
2 participation in a program established pursuant to section 217.777 if, having regard to the nature
3 and circumstances of the offense and to the history and character of the defendant, the court is
4 of the opinion that:

5 (1) Traditional institutional confinement of the defendant is not necessary for the
6 protection of the public, given adequate supervision; and

7 (2) The defendant is in need of guidance, training, or other assistance, which, in his or
8 her case, can be effectively administered through participation in a community-based treatment
9 program.

10
11 **If the court holds such opinions and further finds that the defendant is the primary**
12 **caregiver of one or more dependent children, the court shall consider requiring the**
13 **defendant to participate in a community-based treatment program.**

 Section 1. If any provision of sections 210.143 to 559.120 or the application thereof
2 to any person or circumstance is held invalid, such determination shall not affect the

3 **provisions or applications of sections 210.143 to 559.120 which may be given effect without**
 4 **the invalid provision or application, and to that end the provisions of sections 210.143 to**
 5 **559.120 are severable.**

2 ~~[211.438. Expanding services from seventeen years of age to eighteen~~
 3 ~~years of age is a new service and shall not be effective until an appropriation~~
 4 ~~sufficient to fund the expanded service is provided therefor.]~~

2 ~~[211.439. The repeal and reenactment of sections 211.021, 211.031,~~
 3 ~~211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091,~~
 4 ~~211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, and 221.044~~
 5 ~~shall become effective on January 1, 2021.]~~

2 Section B. Because immediate action is necessary to ensure women incarcerated or held
 3 in custody are able to address their basic health needs, the enactment of sections 217.199 and
 4 221.065 of this act is deemed necessary for the immediate preservation of the public health,
 5 welfare, peace, and safety and is hereby declared to be an emergency act within the meaning of
 6 the constitution, and the enactment of sections 217.199 and 221.065 of this act shall be in full
 7 force and effect upon its passage and approval.

2 Section C. Because immediate action is necessary to protect children, the enactment of
 3 sections 210.143, 210.493, 210.1250, 210.1253, 210.1256, 210.1259, 210.1262, 210.1263,
 4 210.1264, 210.1265, 210.1268, 210.1271, 210.1274, 210.1280, 210.1283, and 210.1286 of
 5 section A of this act is deemed necessary for the immediate preservation of the public health,
 6 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of
 7 the constitution, and the enactment of sections 210.143, 210.493, 210.1250, 210.1253, 210.1256,
 8 210.1259, 210.1262, 210.1263, 210.1264, 210.1265, 210.1268, 210.1271, 210.1274, 210.1280,
 9 210.1283, and 210.1286 of section A of this act shall be in full force and effect upon its passage
 and approval.

2 Section D. Because immediate action is necessary to expand services from seventeen
 3 years of age to eighteen years of age, the enactment of section 211.012, the repeal and
 4 reenactment of sections 211.181 and 211.435, and the repeal of sections 211.438 and 211.439
 5 of section A of this act are deemed necessary for the immediate preservation of the public health,
 6 welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning
 7 of the constitution, and the enactment of section 211.012, the repeal and reenactment of sections
 8 211.181 and 211.435, and the repeal of sections 211.438 and 211.439 of section A of this act
 shall be in full force and effect upon its passage and approval.

