

SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 22  
AN ACT

To repeal sections 211.031, 211.071, 217.345, and 217.690, RSMo, and to enact in lieu thereof five new sections relating to criminal procedures involving juveniles, with an emergency clause for certain sections.

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

Section A. Sections 211.031, 211.071, 217.345, and  
2 217.690, RSMo, are repealed and five new sections enacted in  
3 lieu thereof, to be known as sections 211.031, 211.071, 211.600,  
4 217.345, and 217.690, to read as follows:

211.031. 1. Except as otherwise provided in this  
2 chapter, the juvenile court or the family court in circuits  
3 that have a family court as provided in chapter 487 shall  
4 have exclusive original jurisdiction in proceedings:

5 (1) Involving any child who may be a resident of or  
6 found within the county and who is alleged to be in need of  
7 care and treatment because:

8 (a) The parents, or other persons legally responsible  
9 for the care and support of the child, neglect or refuse to  
10 provide proper support, education which is required by law,  
11 medical, surgical or other care necessary for his or her  
12 well-being; except that reliance by a parent, guardian or  
13 custodian upon remedial treatment other than medical or  
14 surgical treatment for a child shall not be construed as  
15 neglect when the treatment is recognized or permitted  
16 pursuant to the laws of this state;

17 (b) The child is otherwise without proper care,  
18 custody or support;

19 (c) The child was living in a room, building or other  
20 structure at the time such dwelling was found by a court of  
21 competent jurisdiction to be a public nuisance pursuant to  
22 section 195.130; or

23 (d) The child is in need of mental health services and  
24 the parent, guardian or custodian is unable to afford or  
25 access appropriate mental health treatment or care for the  
26 child;

27 (2) Involving any child who may be a resident of or  
28 found within the county and who is alleged to be in need of  
29 care and treatment because:

30 (a) The child while subject to compulsory school  
31 attendance is repeatedly and without justification absent  
32 from school;

33 (b) The child disobeys the reasonable and lawful  
34 directions of his or her parents or other custodian and is  
35 beyond their control;

36 (e) The child is charged with an offense not  
37 classified as criminal, or with an offense applicable only  
38 to children; except that, the juvenile court shall not have  
39 jurisdiction over any child fifteen years of age who is  
40 alleged to have violated a state or municipal traffic  
41 ordinance or regulation, the violation of which does not  
42 constitute a felony, or any child who is alleged to have  
43 violated a state or municipal ordinance or regulation  
44 prohibiting possession or use of any tobacco product;

45 (3) Involving any child who is alleged to have  
46 violated a state law or municipal ordinance, or any person  
47 who is alleged to have violated a state law or municipal  
48 ordinance prior to attaining the age of eighteen years, in  
49 which cases jurisdiction may be taken by the court of the  
50 circuit in which [the child or person resides or may be  
51 found or in which] the violation is alleged to have

52 occurred, except as provided in subsection 2 of this  
53 section; except that, the juvenile court shall not have  
54 jurisdiction over any child fifteen years of age who is  
55 alleged to have violated a state or municipal traffic  
56 ordinance or regulation, the violation of which does not  
57 constitute a felony, and except that the juvenile court  
58 shall have concurrent jurisdiction with the municipal court  
59 over any child who is alleged to have violated a municipal  
60 curfew ordinance, and except that the juvenile court shall  
61 have concurrent jurisdiction with the circuit court on any  
62 child who is alleged to have violated a state or municipal  
63 ordinance or regulation prohibiting possession or use of any  
64 tobacco product;

65 (4) For the adoption of a person;

66 (5) For the commitment of a child to the guardianship  
67 of the department of social services as provided by law;

68 (6) Involving an order of protection pursuant to  
69 chapter 455 when the respondent is less than eighteen years  
70 of age; and

71 (7) Involving a child who has been a victim of sex  
72 trafficking or sexual exploitation.

73 2. Transfer of a matter, proceeding, jurisdiction or  
74 supervision for a child who resides in a county of this  
75 state shall be made as follows:

76 (1) Prior to the filing of a petition and upon request  
77 of any party or at the discretion of the juvenile officer,  
78 the matter in the interest of a child may be transferred by  
79 the juvenile officer, with the prior consent of the juvenile  
80 officer of the receiving court, to the county of the child's  
81 residence or the residence of the person eighteen years of  
82 age for future action;

83 (2) Upon the motion of any party or on its own motion  
84 prior to final disposition on the pending matter, the court

85 in which a proceeding is commenced may transfer the  
86 proceeding of a child to the court located in the county of  
87 the child's residence, or the county in which the offense  
88 pursuant to subdivision (3) of subsection 1 of this section  
89 is alleged to have occurred for further action;

90 (3) Upon motion of any party or on its own motion, the  
91 court in which jurisdiction has been taken pursuant to  
92 subsection 1 of this section may at any time thereafter  
93 transfer jurisdiction of a child to the court located in the  
94 county of the child's residence for further action with the  
95 prior consent of the receiving court;

96 (4) Upon motion of any party or upon its own motion at  
97 any time following a judgment of disposition or treatment  
98 pursuant to section 211.181, the court having jurisdiction  
99 of the cause may place the child under the supervision of  
100 another juvenile court within or without the state pursuant  
101 to section 210.570 with the consent of the receiving court;

102 (5) Upon motion of any child or his or her parent, the  
103 court having jurisdiction shall grant one change of judge  
104 pursuant to Missouri supreme court rules;

105 (6) Upon the transfer of any matter, proceeding,  
106 jurisdiction or supervision of a child, certified copies of  
107 all legal and social documents and records pertaining to the  
108 case on file with the clerk of the transferring juvenile  
109 court shall accompany the transfer.

110 3. In any proceeding involving any child taken into  
111 custody in a county other than the county of the child's  
112 residence, the juvenile court of the county of the child's  
113 residence shall be notified of such taking into custody  
114 within seventy-two hours.

115 4. When an investigation by a juvenile officer  
116 pursuant to this section reveals that the only basis for  
117 action involves an alleged violation of section 167.031

118 involving a child who alleges to be home schooled, the  
119 juvenile officer shall contact a parent or parents of such  
120 child to verify that the child is being home schooled and  
121 not in violation of section 167.031 before making a report  
122 of such a violation. Any report of a violation of section  
123 167.031 made by a juvenile officer regarding a child who is  
124 being home schooled shall be made to the prosecuting  
125 attorney of the county where the child legally resides.

126 5. The disability or disease of a parent shall not  
127 constitute a basis for a determination that a child is a  
128 child in need of care or for the removal of custody of a  
129 child from the parent without a specific showing that there  
130 is a causal relation between the disability or disease and  
131 harm to the child.

211.071. 1. If a petition alleges that a child  
2 between the ages of ~~twelve~~ fourteen and eighteen has  
3 committed an offense which would be considered a felony if  
4 committed by an adult, the court may, upon its own motion or  
5 upon motion by the juvenile officer, the child or the  
6 child's custodian, order a hearing and may, in its  
7 discretion, dismiss the petition and such child may be  
8 transferred to the court of general jurisdiction and  
9 prosecuted under the general law; except that if a petition  
10 alleges that ~~any~~ a child between the ages of twelve and  
11 eighteen has committed an offense which would be considered  
12 first degree murder under section 565.020, second degree  
13 murder under section 565.021, first degree assault under  
14 section 565.050, forcible rape under section 566.030 as it  
15 existed prior to August 28, 2013, rape in the first degree  
16 under section 566.030, forcible sodomy under section 566.060  
17 as it existed prior to August 28, 2013, sodomy in the first  
18 degree under section 566.060, first degree robbery under  
19 section 569.020 as it existed prior to January 1, 2017, or

20 robbery in the first degree under section 570.023,  
21 distribution of drugs under section 195.211 as it existed  
22 prior to January 1, 2017, or the manufacturing of a  
23 controlled substance under section 579.055, a dangerous  
24 felony as defined in section 556.061, or has committed two  
25 or more prior unrelated offenses which would be felonies if  
26 committed by an adult, the court shall order a hearing, and  
27 may in its discretion, dismiss the petition and transfer the  
28 child to a court of general jurisdiction for prosecution  
29 under the general law.

30         2. Upon apprehension and arrest, jurisdiction over the  
31 criminal offense allegedly committed by any person between  
32 eighteen and twenty-one years of age over whom the juvenile  
33 court has retained continuing jurisdiction shall  
34 automatically terminate and that offense shall be dealt with  
35 in the court of general jurisdiction as provided in section  
36 211.041.

37         3. Knowing and willful age misrepresentation by a  
38 juvenile subject shall not affect any action or proceeding  
39 which occurs based upon the misrepresentation. Any evidence  
40 obtained during the period of time in which a child  
41 misrepresents his or her age may be used against the child  
42 and will be subject only to rules of evidence applicable in  
43 adult proceedings.

44         4. Written notification of a transfer hearing shall be  
45 given to the juvenile and his or her custodian in the same  
46 manner as provided in sections 211.101 and 211.111. Notice  
47 of the hearing may be waived by the custodian. Notice shall  
48 contain a statement that the purpose of the hearing is to  
49 determine whether the child is a proper subject to be dealt  
50 with under the provisions of this chapter, and that if the  
51 court finds that the child is not a proper subject to be  
52 dealt with under the provisions of this chapter, the

53 petition will be dismissed to allow for prosecution of the  
54 child under the general law.

55         5. The juvenile officer may consult with the office of  
56 prosecuting attorney concerning any offense for which the  
57 child could be certified as an adult under this section.  
58 The prosecuting or circuit attorney shall have access to  
59 police reports, reports of the juvenile or deputy juvenile  
60 officer, statements of witnesses and all other records or  
61 reports relating to the offense alleged to have been  
62 committed by the child. The prosecuting or circuit attorney  
63 shall have access to the disposition records of the child  
64 when the child has been adjudicated pursuant to subdivision  
65 (3) of subsection 1 of section 211.031. The prosecuting  
66 attorney shall not divulge any information regarding the  
67 child and the offense until the juvenile court at a judicial  
68 hearing has determined that the child is not a proper  
69 subject to be dealt with under the provisions of this  
70 chapter.

71         6. A written report shall be prepared in accordance  
72 with this chapter developing fully all available information  
73 relevant to the criteria which shall be considered by the  
74 court in determining whether the child is a proper subject  
75 to be dealt with under the provisions of this chapter and  
76 whether there are reasonable prospects of rehabilitation  
77 within the juvenile justice system. These criteria shall  
78 include but not be limited to:

79             (1) The seriousness of the offense alleged and whether  
80 the protection of the community requires transfer to the  
81 court of general jurisdiction;

82             (2) Whether the offense alleged involved viciousness,  
83 force and violence;

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

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

90           (5) The record and history of the child, including  
91 experience with the juvenile justice system, other courts,  
92 supervision, commitments to juvenile institutions and other  
93 placements;

94           (6) The sophistication and maturity of the child as  
95 determined by consideration of his or her home and  
96 environmental situation, emotional condition and pattern of  
97 living;

98           (7) The age of the child;

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

101           (9) Whether or not the child can benefit from the  
102 treatment or rehabilitative programs available to the  
103 juvenile court; and

104           (10) Racial disparity in certification.

105           7. If the court dismisses the petition to permit the  
106 child to be prosecuted under the general law, the court  
107 shall enter a dismissal order containing:

108           (1) Findings showing that the court had jurisdiction  
109 of the cause and of the parties;

110           (2) Findings showing that the child was represented by  
111 counsel;

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

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



116 8. A copy of the petition and order of the dismissal  
117 shall be sent to the prosecuting attorney.

118 9. When a petition has been dismissed thereby  
119 permitting a child to be prosecuted under the general law  
120 and the prosecution of the child results in a conviction,  
121 the jurisdiction of the juvenile court over that child is  
122 forever terminated, except as provided in subsection 10 of  
123 this section, for an act that would be a violation of a  
124 state law or municipal ordinance.

125 10. If a petition has been dismissed thereby  
126 permitting a child to be prosecuted under the general law  
127 and the child is found not guilty by a court of general  
128 jurisdiction, the juvenile court shall have jurisdiction  
129 over any later offense committed by that child which would  
130 be considered a misdemeanor or felony if committed by an  
131 adult, subject to the certification provisions of this  
132 section.

133 11. If the court does not dismiss the petition to  
134 permit the child to be prosecuted under the general law, it  
135 shall set a date for the hearing upon the petition as  
136 provided in section 211.171.

211.600. 1. The office of state courts administrator  
2 shall collect information related to the filing and  
3 disposition of petitions to certify juveniles pursuant to  
4 section 211.071.

5 2. The data collected pursuant to this section shall  
6 include the following:

7 (1) The number of certification petitions filed  
8 annually;

9 (2) The disposition of certification petitions filed  
10 annually;

11 (3) The offenses for which certification petitions are  
12 filed annually;

13           (4) The race of the juveniles for whom the  
14 certification petitions are filed annually; and

15           (5) The number of juveniles who have waived their  
16 right to counsel.

17           3. The data collected pursuant to this section shall  
18 be made publicly available annually.

217.345. 1. Correctional treatment programs for first  
2 offenders and offenders eighteen years of age or younger in  
3 the department shall be established, subject to the control  
4 and supervision of the director, and shall include such  
5 programs deemed necessary and sufficient for the successful  
6 rehabilitation of offenders.

7           2. **[Correctional treatment programs for offenders who**  
8 **are younger than eighteen years of age shall be established,**  
9 **subject to the control and supervision of the director. By**  
10 **January 1, 1998, such]** Programs established pursuant to this  
11 section shall include physical separation of offenders who  
12 are younger than eighteen years of age from offenders who  
13 are eighteen years of age or older and shall include  
14 educational programs that award a high school diploma or its  
15 equivalent.

16           3. The department shall have the authority to  
17 promulgate rules pursuant to subsection 2 of section 217.378  
18 to establish correctional treatment programs for offenders  
19 under age eighteen. Such rules may include:

20           (1) Establishing separate housing units for such  
21 offenders; and

22           (2) Providing housing and program space in existing  
23 housing units for such offenders that is not accessible to  
24 adult offenders.

25           4. The department shall have the authority to  
26 determine the number of juvenile offenders participating in  
27 any treatment program depending on available

28 appropriations. The department may contract with any  
29 private or public entity for the provision of services and  
30 facilities for offenders under age eighteen. The department  
31 shall apply for and accept available federal, state and  
32 local public funds including project demonstration funds as  
33 well as private moneys to fund such services and facilities.

34 5. The department shall develop and implement an  
35 evaluation process for all juvenile offender programs.

217.690. 1. All releases or paroles shall issue upon  
2 order of the parole board, duly adopted.

3 2. Before ordering the parole of any offender, the  
4 parole board shall conduct a validated risk and needs  
5 assessment and evaluate the case under the rules governing  
6 parole that are promulgated by the parole board. The parole  
7 board shall then have the offender appear before a hearing  
8 panel and shall conduct a personal interview with him or  
9 her, unless waived by the offender, or if the guidelines  
10 indicate the offender may be paroled without need for an  
11 interview. The guidelines and rules shall not allow for the  
12 waiver of a hearing if a victim requests a hearing. The  
13 appearance or presence may occur by means of a  
14 videoconference at the discretion of the parole board. A  
15 parole may be ordered for the best interest of society when  
16 there is a reasonable probability, based on the risk  
17 assessment and indicators of release readiness, that the  
18 person can be supervised under parole supervision and  
19 successfully reintegrated into the community, not as an  
20 award of clemency; it shall not be considered a reduction of  
21 sentence or a pardon. Every offender while on parole shall  
22 remain in the legal custody of the department but shall be  
23 subject to the orders of the parole board.

24 3. The division of probation and parole has  
25 discretionary authority to require the payment of a fee, not

26 to exceed sixty dollars per month, from every offender  
27 placed under division supervision on probation, parole, or  
28 conditional release, to waive all or part of any fee, to  
29 sanction offenders for willful nonpayment of fees, and to  
30 contract with a private entity for fee collections  
31 services. All fees collected shall be deposited in the  
32 inmate fund established in section 217.430. Fees collected  
33 may be used to pay the costs of contracted collections  
34 services. The fees collected may otherwise be used to  
35 provide community corrections and intervention services for  
36 offenders. Such services include substance abuse assessment  
37 and treatment, mental health assessment and treatment,  
38 electronic monitoring services, residential facilities  
39 services, employment placement services, and other offender  
40 community corrections or intervention services designated by  
41 the division of probation and parole to assist offenders to  
42 successfully complete probation, parole, or conditional  
43 release. The division of probation and parole shall adopt  
44 rules not inconsistent with law, in accordance with section  
45 217.040, with respect to sanctioning offenders and with  
46 respect to establishing, waiving, collecting, and using fees.

47 4. The parole board shall adopt rules not inconsistent  
48 with law, in accordance with section 217.040, with respect  
49 to the eligibility of offenders for parole, the conduct of  
50 parole hearings or conditions to be imposed upon paroled  
51 offenders. Whenever an order for parole is issued it shall  
52 recite the conditions of such parole.

53 5. When considering parole for an offender with  
54 consecutive sentences, the minimum term for eligibility for  
55 parole shall be calculated by adding the minimum terms for  
56 parole eligibility for each of the consecutive sentences,  
57 except the minimum term for parole eligibility shall not

58 exceed the minimum term for parole eligibility for an  
59 ordinary life sentence.

60         6. Any offender sentenced to a term of imprisonment  
61 amounting to fifteen years or more or multiple terms of  
62 imprisonment that, taken together, amount to fifteen or more  
63 years who was under eighteen years of age at the time of the  
64 commission of the offense or offenses may be eligible for  
65 parole after serving fifteen years of incarceration,  
66 regardless of whether the case is final for the purposes of  
67 appeal, and may be eligible for reconsideration hearings in  
68 accordance with regulations promulgated by the parole board.

69         7. The provisions of subsection 6 of this section  
70 shall not apply to an offender found guilty of [murder in  
71 the first degree or] capital murder, murder in the first  
72 degree or murder in the second degree, when murder in the  
73 second degree is committed pursuant to subdivision (1) of  
74 subsection 1 of section 565.021, who was under eighteen  
75 years of age when the offender committed the offense or  
76 offenses who may be found ineligible for parole or whose  
77 parole eligibility may be controlled by section 558.047 or  
78 565.033.

79         8. Any offender under a sentence for first degree  
80 murder who has been denied release on parole after a parole  
81 hearing shall not be eligible for another parole hearing  
82 until at least three years from the month of the parole  
83 denial; however, this subsection shall not prevent a release  
84 pursuant to subsection 4 of section 558.011.

85         9. A victim who has requested an opportunity to be  
86 heard shall receive notice that the parole board is  
87 conducting an assessment of the offender's risk and  
88 readiness for release and that the victim's input will be  
89 particularly helpful when it pertains to safety concerns and

90 specific protective measures that may be beneficial to the  
91 victim should the offender be granted release.

92 10. Parole hearings shall, at a minimum, contain the  
93 following procedures:

94 (1) The victim or person representing the victim who  
95 attends a hearing may be accompanied by one other person;

96 (2) The victim or person representing the victim who  
97 attends a hearing shall have the option of giving testimony  
98 in the presence of the inmate or to the hearing panel  
99 without the inmate being present;

100 (3) The victim or person representing the victim may  
101 call or write the parole board rather than attend the  
102 hearing;

103 (4) The victim or person representing the victim may  
104 have a personal meeting with a parole board member at the  
105 parole board's central office;

106 (5) The judge, prosecuting attorney or circuit  
107 attorney and a representative of the local law enforcement  
108 agency investigating the crime shall be allowed to attend  
109 the hearing or provide information to the hearing panel in  
110 regard to the parole consideration; and

111 (6) The parole board shall evaluate information listed  
112 in the juvenile sex offender registry pursuant to section  
113 211.425, provided the offender is between the ages of  
114 seventeen and twenty-one, as it impacts the safety of the  
115 community.

116 11. The parole board shall notify any person of the  
117 results of a parole eligibility hearing if the person  
118 indicates to the parole board a desire to be notified.

119 12. The parole board may, at its discretion, require  
120 any offender seeking parole to meet certain conditions  
121 during the term of that parole so long as said conditions  
122 are not illegal or impossible for the offender to perform.

123 These conditions may include an amount of restitution to the  
124 state for the cost of that offender's incarceration.

125 13. Special parole conditions shall be responsive to  
126 the assessed risk and needs of the offender or the need for  
127 extraordinary supervision, such as electronic monitoring.  
128 The parole board shall adopt rules to minimize the  
129 conditions placed on low-risk cases, to frontload conditions  
130 upon release, and to require the modification and reduction  
131 of conditions based on the person's continuing stability in  
132 the community. Parole board rules shall permit parole  
133 conditions to be modified by parole officers with review and  
134 approval by supervisors.

135 14. Nothing contained in this section shall be  
136 construed to require the release of an offender on parole  
137 nor to reduce the sentence of an offender heretofore  
138 committed.

139 15. Beginning January 1, 2001, the parole board shall  
140 not order a parole unless the offender has obtained a high  
141 school diploma or its equivalent, or unless the parole board  
142 is satisfied that the offender, while committed to the  
143 custody of the department, has made an honest good-faith  
144 effort to obtain a high school diploma or its equivalent;  
145 provided that the director may waive this requirement by  
146 certifying in writing to the parole board that the offender  
147 has actively participated in mandatory education programs or  
148 is academically unable to obtain a high school diploma or  
149 its equivalent.

150 16. Any rule or portion of a rule, as that term is  
151 defined in section 536.010, that is created under the  
152 authority delegated in this section shall become effective  
153 only if it complies with and is subject to all of the  
154 provisions of chapter 536 and, if applicable, section  
155 536.028. This section and chapter 536 are nonseverable and

156 if any of the powers vested with the general assembly  
157 pursuant to chapter 536 to review, to delay the effective  
158 date, or to disapprove and annul a rule are subsequently  
159 held unconstitutional, then the grant of rulemaking  
160 authority and any rule proposed or adopted after August 28,  
161 2005, shall be invalid and void.

Section B. Because immediate action is necessary to  
2 further equip and enhance our criminal justice system to  
3 fight violent crime in Missouri and protect our citizens and  
4 residents due to the recent unprecedented wave of violent  
5 crime across our nation and state, the repeal and  
6 reenactment of sections 211.071 and 217.345 and the  
7 enactment of section 211.600 of this act is deemed necessary  
8 for the immediate preservation of the public health,  
9 welfare, peace, and safety, and is hereby declared to be an  
10 emergency act within the meaning of the constitution, and  
11 the repeal and reenactment of sections 211.071 and 217.345  
12 and the enactment of section 211.600 of this act shall be in  
13 full force and effect upon its passage and approval.