

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1550**  
**94TH GENERAL ASSEMBLY**

4041S.05T

2008

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**AN ACT**

To repeal sections 167.031, 211.021, 211.033, 211.034, 211.041, 211.061, 211.071, 211.091, 211.101, 221.515, 478.466, and 559.600, RSMo, and to enact in lieu thereof thirteen new sections relating to courts, with penalty provisions and a contingent effective date for certain sections.

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

Section A. Sections 167.031, 211.021, 211.033, 211.034, 211.041, 211.061, 211.071,  
2 211.091, 211.101, and 478.466, RSMo, are repealed and thirteen new sections enacted in lieu  
3 thereof, to be known as sections 167.031, 211.021, 211.033, 211.034, 211.041, 211.061,  
4 211.071, 211.091, 211.101, 221.515, 478.466, 559.600, and 1, to read as follows:

167.031. 1. Every parent, guardian or other person in this state having charge, control  
2 or custody of a child not enrolled in a public, private, parochial, parish school or full-time  
3 equivalent attendance in a combination of such schools and between the ages of seven years and  
4 the compulsory attendance age for the district is responsible for enrolling the child in a program  
5 of academic instruction which complies with subsection 2 of this section. Any parent, guardian  
6 or other person who enrolls a child between the ages of five and seven years in a public school  
7 program of academic instruction shall cause such child to attend the academic program on a  
8 regular basis, according to this section. Nonattendance by such child shall cause such parent,  
9 guardian or other responsible person to be in violation of the provisions of section 167.061,  
10 except as provided by this section. A parent, guardian or other person in this state having charge,  
11 control, or custody of a child between the ages of seven years of age and the compulsory

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.

12 attendance age for the district shall cause the child to attend regularly some public, private,  
13 parochial, parish, home school or a combination of such schools not less than the entire school  
14 term of the school which the child attends; except that:

15 (1) A child who, to the satisfaction of the superintendent of public schools of the district  
16 in which he resides, or if there is no superintendent then the chief school officer, is determined  
17 to be mentally or physically incapacitated may be excused from attendance at school for the full  
18 time required, or any part thereof;

19 (2) A child between fourteen years of age and the compulsory attendance age for the  
20 district may be excused from attendance at school for the full time required, or any part thereof,  
21 by the superintendent of public schools of the district, or if there is none then by a court of  
22 competent jurisdiction, when legal employment has been obtained by the child and found to be  
23 desirable, and after the parents or guardian of the child have been advised of the pending action;  
24 or

25 (3) A child between five and seven years of age shall be excused from attendance at  
26 school if a parent, guardian or other person having charge, control or custody of the child makes  
27 a written request that the child be dropped from the school's rolls.

28 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether  
29 incorporated or unincorporated, that:

30 (a) Has as its primary purpose the provision of private or religious-based instruction;

31 (b) Enrolls pupils between the ages of seven years and the compulsory attendance age  
32 for the district, of which no more than four are unrelated by affinity or consanguinity in the third  
33 degree; and

34 (c) Does not charge or receive consideration in the form of tuition, fees, or other  
35 remuneration in a genuine and fair exchange for provision of instruction.

36 (2) As evidence that a child is receiving regular instruction, the parent shall, except as  
37 otherwise provided in this subsection:

38 (a) Maintain the following records:

39 a. A plan book, diary, or other written record indicating subjects taught and activities  
40 engaged in; and

41 b. A portfolio of samples of the child's academic work; and

42 c. A record of evaluations of the child's academic progress; or

43 d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and

44 (b) Offer at least one thousand hours of instruction, at least six hundred hours of which  
45 will be in reading, language arts, mathematics, social studies and science or academic courses  
46 that are related to the aforementioned subject areas and consonant with the pupil's age and

47 ability. At least four hundred of the six hundred hours shall occur at the regular home school  
48 location.

49 (3) The requirements of subdivision (2) of this subsection shall not apply to any pupil  
50 above the age of sixteen years.

51 3. Nothing in this section shall require a private, parochial, parish or home school to  
52 include in its curriculum any concept, topic, or practice in conflict with the school's religious  
53 doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the  
54 school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all  
55 departments or agencies of the state of Missouri shall be prohibited from dictating through rule,  
56 regulation or other device any statewide curriculum for private, parochial, parish or home  
57 schools.

58 4. A school year begins on the first day of July and ends on the thirtieth day of June  
59 following.

60 5. The production by a parent of a daily log showing that a home school has a course of  
61 instruction which satisfies the requirements of this section or, in the case of a pupil over the age  
62 of sixteen years who attended a metropolitan school district the previous year, a written  
63 statement that the pupil is attending home school in compliance with this section shall be a  
64 defense to any prosecution under this section and to any charge or action for educational neglect  
65 brought pursuant to chapter 210, RSMo.

66 6. As used in sections 167.031 to 167.051, the term "compulsory attendance age for the  
67 district" shall mean:

68 (1) Seventeen years of age for any metropolitan school district for which the school  
69 board adopts a resolution to establish such compulsory attendance age; provided that such  
70 resolution shall take effect no earlier than the school year next following the school year during  
71 which the resolution is adopted; and

72 (2) Sixteen years of age in all other cases.

73

74 The school board of a metropolitan school district for which the compulsory attendance age is  
75 seventeen years may adopt a resolution to lower the compulsory attendance age to sixteen years;  
76 provided that such resolution shall take effect no earlier than the school year next following the  
77 school year during which the resolution is adopted.

78 [7. The provisions of this section shall apply to any parent, guardian, or other person in  
79 this state having charge, control, or custody of a child between the ages of fifteen and eighteen  
80 if such child has not received a high school diploma or its equivalent and a court order has been  
81 issued as to such child under section 211.034, RSMo.]

211.021. 1. As used in this chapter, unless the context clearly requires otherwise:

2 (1) "Adult" means a person seventeen years of age or older **except for seventeen year**  
3 **old children as defined in this section;**

4 (2) "Child" means [a] **any person under seventeen years of age and shall mean, in**  
5 **addition, any person over seventeen but not yet eighteen years of age alleged to have**  
6 **committed a status offense;**

7 (3) "Juvenile court" means the juvenile division or divisions of the circuit court of the  
8 county, or judges while hearing juvenile cases assigned to them;

9 (4) "Legal custody" means the right to the care, custody and control of a child and the  
10 duty to provide food, clothing, shelter, ordinary medical care, education, treatment and discipline  
11 of a child. Legal custody may be taken from a parent only by court action and if the legal  
12 custody is taken from a parent without termination of parental rights, the parent's duty to provide  
13 support continues even though the person having legal custody may provide the necessities of  
14 daily living;

15 (5) "Parent" means either a natural parent or a parent by adoption and if the child is  
16 illegitimate, "parent" means the mother;

17 (6) "Shelter care" means the temporary care of juveniles in physically unrestricting  
18 facilities pending final court disposition. These facilities may include:

19 (a) "Foster home", the private home of foster parents providing twenty-four-hour care  
20 to one to three children unrelated to the foster parents by blood, marriage or adoption;

21 (b) "Group foster home", the private home of foster parents providing twenty-four-hour  
22 care to no more than six children unrelated to the foster parents by blood, marriage or adoption;

23 (c) "Group home", a child care facility which approximates a family setting, provides  
24 access to community activities and resources, and provides care to no more than twelve children;

25 (7) "**Status offense**", **any offense as described in subdivision (2) of subsection 1 of**  
26 **section 211.031.**

27 **2. The amendments to subsection 1 of this section, as provided for in this act, shall**  
28 **not take effect until such time as appropriations by the general assembly for additional**  
29 **juvenile officer full-time equivalents and deputy juvenile officer full-time equivalents shall**  
30 **exceed by one million nine hundred thousand dollars the amount spent by the state for**  
31 **such officers in fiscal year 2007 and appropriations by the general assembly to single first**  
32 **class counties for juvenile court personnel costs shall exceed by one million nine hundred**  
33 **thousand dollars the amount spent by the state for such juvenile court personnel costs in**  
34 **fiscal year 2007 and notice of such appropriations has been given to the revisor of statutes.**

211.033. 1. No person under the age of seventeen years, except those transferred to the  
2 court of general jurisdiction under the provisions of section 211.071 shall be detained in a jail  
3 or other adult detention facility as that term is defined in section 211.151. A traffic court judge

4 may request the juvenile court to order the commitment of a person under the age of seventeen  
5 to a juvenile detention facility.

6 **2. Nothing in this section shall be construed as creating any civil or criminal**  
7 **liability for any law enforcement officer, juvenile officer, school personnel, or court**  
8 **personnel for any action taken or failure to take any action involving a minor child who**  
9 **remains under the jurisdiction of the juvenile court under this section if such action or**  
10 **failure to take action is based on a good faith belief by such officer or personnel that the**  
11 **minor child is not under the jurisdiction of the juvenile court.**

12 **3. The amendments to subsection 2 of this section, as provided for in this act, shall**  
13 **not take effect until such time as the provisions of section 211.021 shall take effect in**  
14 **accordance with subsection 2 of section 211.021.**

211.034. 1. Any parent, legal guardian, or other person having legal custody of a minor  
2 child may, at any time after the minor child attains fifteen years of age and before the minor child  
3 attains eighteen years of age, petition the circuit court for the county where the minor child and  
4 parent, legal guardian, or other person having legal custody of the minor child reside to extend  
5 the jurisdiction of the juvenile court until the minor child reaches the age of eighteen years.

6 2. The petition shall be accompanied by verified proof of service on the minor child and  
7 certified copies of documents demonstrating that the petitioner is the parent, legal guardian, or  
8 other legal custodian of the minor child. If the petitioner is not the natural parent of the minor  
9 child, the petition shall be accompanied by:

10 (1) An affidavit from at least one of the child's natural parents consenting to the granting  
11 of the petition; or

12 (2) An affidavit from the petitioner stating that the natural parents:

13 (a) Are deceased;

14 (b) Have been declared legally incompetent;

15 (c) Have had their parental rights as to the minor child terminated by a court of  
16 competent jurisdiction;

17 (d) Have voluntarily surrendered their parental rights as to the minor child;

18 (e) Have abandoned the minor child;

19 (f) Are unknown; or

20 (g) Are otherwise unavailable, in which case, the affidavit shall state the reasons why  
21 the natural parents are unavailable.

22

23 In all cases where any parent, legal guardian, or other person having legal custody of a minor  
24 child petitions the court to extend the jurisdiction of the juvenile court until the minor child's

25 eighteenth birthday, the court shall appoint an attorney to represent the minor child. An  
26 individual filing the petition shall pay the attorney fees of the minor child.

27 3. Upon the filing of a petition under this section and a determination by the court in  
28 favor of the petitioner, the circuit court shall issue an order declaring that the minor child shall  
29 remain under the jurisdiction of the juvenile court for all purposes under state law until the minor  
30 child reaches eighteen years of age; except that, for purposes of criminal law and procedure,  
31 including arrest, prosecution, trial, and punishment, if the minor is certified as an adult, the minor  
32 shall remain a certified adult despite the issuance of a court order under this section. Such minor  
33 child shall be subject to the compulsory school attendance requirements of section 167.031,  
34 RSMo, until the minor child receives a high school diploma or its equivalent, or reaches eighteen  
35 years of age. The court order shall be filed with the circuit clerk for the county where the  
36 petitioner resides.

37 4. Nothing in this section shall be construed as creating any civil or criminal liability for  
38 any law enforcement officer, juvenile officer, school personnel, or court personnel for any action  
39 taken or failure to take any action involving a minor child who remains under the jurisdiction of  
40 the juvenile court under this section if such action or failure to take action is based on a good  
41 faith belief by such officer or personnel that the minor child is not under the jurisdiction of the  
42 juvenile court.

43 **5. The provisions of this section shall expire when the amendments to subsection**  
44 **1 of section 211.021 take effect in accordance with subsection 2 of section 211.021.**

211.041. When jurisdiction over the person of a child has been acquired by the juvenile  
2 court under the provisions of this chapter in proceedings coming within the applicable provisions  
3 of section 211.031, the jurisdiction of the child may be retained for the purpose of this chapter  
4 until he **or she** has attained the age of twenty-one years, except in cases where he **or she** is  
5 committed to and received by the division of youth services, unless jurisdiction has been returned  
6 to the committing court by provisions of chapter 219, RSMo, through requests of the court to the  
7 division of youth services and except in any case where he **or she** has not paid an assessment  
8 imposed in accordance with section 211.181 or in cases where the judgment for restitution  
9 entered in accordance with section 211.185 has not been satisfied. Every child over whose  
10 person the juvenile court retains jurisdiction shall be prosecuted under the general law for any  
11 violation of a state law or of a municipal ordinance which he **or she** commits after he **or she**  
12 becomes seventeen years of age. The juvenile court shall have no jurisdiction with respect to any  
13 such violation and, so long as it retains jurisdiction of the child, shall not exercise its jurisdiction  
14 in such a manner as to conflict with any other court's jurisdiction as to any such violation.

211.061. 1. When a child is taken into custody with or without warrant for an offense,  
2 the child, together with any information concerning [him] **the child** and the personal property

3 found in [his] **the child's** possession, shall be taken immediately and directly before the juvenile  
4 court or delivered to the juvenile officer or person acting for him.

5         2. If any person is taken before a circuit or associate circuit judge not assigned to  
6 juvenile court or a municipal judge, and it is then, or at any time thereafter, ascertained that he  
7 **or she** was under the age of seventeen years at the time he **or she** is alleged to have committed  
8 the offense, or that he **or she** is subject to the jurisdiction of the juvenile court as provided by this  
9 chapter, it is the duty of the judge forthwith to transfer the case or refer the matter to the juvenile  
10 court, and direct the delivery of such person, together with information concerning him **or her**  
11 and the personal property found in his **or her** possession, to the juvenile officer or person acting  
12 as such.

13         3. When the juvenile court is informed that a child is in detention it shall examine the  
14 reasons therefor and shall immediately:

15         (1) Order the child released; or

16         (2) Order the child continued in detention until a detention hearing is held. An order to  
17 continue the child in detention shall only be entered upon the filing of a petition or motion to  
18 modify and a determination by the court that probable cause exists to believe that the child has  
19 committed acts specified in the petition or motion that bring the child within the jurisdiction of  
20 the court under subdivision (2) or (3) of subsection 1 of section 211.031.

21         4. A juvenile shall not remain in detention for a period greater than twenty-four hours  
22 unless the court orders a detention hearing. If such hearing is not held within three days,  
23 excluding Saturdays, Sundays and legal holidays, the juvenile shall be released from detention  
24 unless the court for good cause orders the hearing continued. The detention hearing shall be held  
25 within the judicial circuit at a date, time and place convenient to the court. Notice of the date,  
26 time and place of a detention hearing, and of the right to counsel, shall be given to the juvenile  
27 and his **or her** custodian in person, by telephone, or by such other expeditious method as is  
28 available.

211.071. 1. If a petition alleges that a child between the ages of twelve and seventeen  
2 has committed an offense which would be considered a felony if committed by an adult, the court  
3 may, upon its own motion or upon motion by the juvenile officer, the child or the child's  
4 custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be  
5 transferred to the court of general jurisdiction and prosecuted under the general law; except that  
6 if a petition alleges that any child has committed an offense which would be considered first  
7 degree murder under section 565.020, RSMo, second degree murder under section 565.021,  
8 RSMo, first degree assault under section 565.050, RSMo, forcible rape under section 566.030,  
9 RSMo, forcible sodomy under section 566.060, RSMo, first degree robbery under section  
10 569.020, RSMo, or distribution of drugs under section 195.211, RSMo, or has committed two

11 or more prior unrelated offenses which would be felonies if committed by an adult, the court  
12 shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a  
13 court of general jurisdiction for prosecution under the general law.

14 2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly  
15 committed by any person between seventeen and twenty-one years of age over whom the juvenile  
16 court has retained continuing jurisdiction shall automatically terminate and that offense shall be  
17 dealt with in the court of general jurisdiction as provided in section 211.041.

18 3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any  
19 action or proceeding which occurs based upon the misrepresentation. Any evidence obtained  
20 during the period of time in which a child misrepresents his **or her** age may be used against the  
21 child and will be subject only to rules of evidence applicable in adult proceedings.

22 4. Written notification of a transfer hearing shall be given to the juvenile and his **or her**  
23 custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the  
24 hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the  
25 hearing is to determine whether the child is a proper subject to be dealt with under the provisions  
26 of this chapter, and that if the court finds that the child is not a proper subject to be dealt with  
27 under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the  
28 child under the general law.

29 5. The juvenile officer may consult with the office of prosecuting attorney concerning  
30 any offense for which the child could be certified as an adult under this section. The prosecuting  
31 or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile  
32 officer, statements of witnesses and all other records or reports relating to the offense alleged to  
33 have been committed by the child. The prosecuting or circuit attorney shall have access to the  
34 disposition records of the child when the child has been adjudicated pursuant to subdivision (3)  
35 of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information  
36 regarding the child and the offense until the juvenile court at a judicial hearing has determined  
37 that the child is not a proper subject to be dealt with under the provisions of this chapter.

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

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

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

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

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

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

52 (6) The sophistication and maturity of the child as determined by consideration of his  
53 home and environmental situation, emotional condition and pattern of living;

54 (7) The age of the child;

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

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

58 (10) Racial disparity in certification.

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

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

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

63 (3) Findings showing that the hearing was held in the presence of the child and his  
64 counsel; and

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

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

68 9. When a petition has been dismissed thereby permitting a child to be prosecuted under  
69 the general law, the jurisdiction of the juvenile court over that child is forever terminated, except  
70 as provided in subsection 10 of this section, for an act that would be a violation of a state law or  
71 municipal ordinance.

72 10. If a petition has been dismissed thereby permitting a child to be prosecuted under the  
73 general law and the child is found not guilty by a court of general jurisdiction, the juvenile court  
74 shall have jurisdiction over any later offense committed by that child which would be considered  
75 a misdemeanor or felony if committed by an adult, subject to the certification provisions of this  
76 section.

77 11. If the court does not dismiss the petition to permit the child to be prosecuted under  
78 the general law, it shall set a date for the hearing upon the petition as provided in section  
79 211.171.

211.091. 1. The petition shall be entitled "In the interest of ....., a child under  
2 seventeen years of age"[. If a petition is filed pursuant to the provisions of subdivision (1) of

3 subsection 1 of section 211.031, the petition shall be entitled] **or** "In the interest of ....., a  
4 child [under] seventeen years of age" or "In the interest of ....., a person seventeen years  
5 of age" **as appropriate to the subsection of section 211.031 that provides the basis for the**  
6 **filing of the petition.**

7 2. The petition shall set forth plainly:

8 (1) The facts which bring the child or person seventeen years of age within the  
9 jurisdiction of the court;

10 (2) The full name, birth date, and residence of the child or person seventeen years of age;

11 (3) The names and residence of his **or her** parents, if living;

12 (4) The name and residence of his **or her** legal guardian if there be one, of the person  
13 having custody of the child or person seventeen years of age or of the nearest known relative if  
14 no parent or guardian can be found; and

15 (5) Any other pertinent data or information.

16 3. If any facts required in subsection 2 of this section are not known by the petitioner,  
17 the petition shall so state.

18 4. Prior to the voluntary dismissal of a petition filed under this section, the juvenile  
19 officer shall assess the impact of such dismissal on the best interests of the child, and shall take  
20 all actions practicable to minimize any negative impact.

211.101. 1. After a petition has been filed, unless the parties appear voluntarily, the  
2 juvenile court shall issue a summons in the name of the state of Missouri requiring the person  
3 who has custody of the child or person seventeen years of age to appear personally and, unless  
4 the court orders otherwise, to bring the child or person seventeen years of age before the court,  
5 at the time and place stated.

6 2. If the person so summoned is other than a parent or guardian of the child or person  
7 seventeen years of age, then the parent or guardian or both shall also be notified of the pendency  
8 of the case and of the time and place appointed.

9 3. If it appears that the child or person seventeen years of age is in such condition or  
10 surroundings that his **or her** welfare requires that his **or her** custody be immediately assumed  
11 by the court, the judge may order, by endorsement upon the summons, the officer serving it to  
12 take the child or person seventeen years of age into custody at once.

13 4. Subpoena may be issued requiring the appearance of any other person whose presence,  
14 in the opinion of the judge, is necessary.

221.515. 1. Any person designated a jailer under the provisions of this chapter shall  
2 have the power to serve [an arrest warrant] **civil process and arrest warrants** on any person  
3 who **surrenders himself or herself to the facility under an arrest warrant** or is already an  
4 inmate in the custody of the facility in or at which such jailer is employed.

5           **2. Under the rules and regulations of the sheriff, employees designated as jailers**  
6 **may carry firearms when necessary for the proper discharge of their duties as jailers in**  
7 **this state under the provisions of this chapter.**

8           **3. Such persons authorized to act by the sheriff as jailers under the rules and**  
9 **regulations of the sheriff shall have the same power as granted any other law enforcement**  
10 **officers in this state to arrest escaped prisoners and apprehend all persons who may be**  
11 **aiding and abetting such escape while in the custody of the sheriff in accordance with state**  
12 **law.**

478.466. 1. In the sixteenth judicial circuit consisting of the county of Jackson, a  
2 majority of the court en banc may appoint one person, who shall possess the same qualifications  
3 as an associate circuit judge, to act as drug court commissioner. The commissioner shall be  
4 appointed for a term of four years. The compensation of the commissioner shall be the same as  
5 that of an associate circuit judge and[, subject to appropriation from the county legislature of the  
6 county wherein such circuit is wholly located, reimbursed from proceeds from the county  
7 antidrug sales tax adopted pursuant to section 67.547, RSMo. The county wherein such circuit  
8 is wholly located shall pay to and reimburse the state for the actual costs of the salary and  
9 benefits of the drug commissioner appointed pursuant to this section] **shall be paid out of the**  
10 **same source as the compensation of all other drug court commissioners in the state.** The  
11 retirement benefits of such commissioner shall be the same as those of an associate circuit judge,  
12 payable in the same manner and from the same source as those of an associate circuit judge.  
13 Subject to approval or rejection by a circuit judge, the commissioner shall have all the powers  
14 and duties of a circuit judge. A circuit judge shall by order of record reject or confirm any order,  
15 judgment and decree of the commissioner within the time the judge could set aside such order,  
16 judgment or decree had the same been made by him. If so confirmed, the order, judgment or  
17 decree shall have the same effect as if made by the judge on the date of its confirmation.

18           2. The court administrator of the sixteenth judicial circuit shall charge and collect a  
19 surcharge of thirty dollars in all proceedings assigned to the drug commissioner for disposition,  
20 provided that the surcharge shall not be charged in any proceeding when costs are waived or are  
21 to be paid by the state, county or municipality. Moneys obtained from such surcharge shall be  
22 collected and disbursed in the manner provided by sections 488.010 to 488.020, RSMo, and  
23 payable to the drug commissioner for operation of the drug court.

559.600. In cases where the board of probation and parole is not required under section  
2 217.750, RSMo, to provide probation supervision and rehabilitation services for misdemeanor  
3 offenders, the circuit and associate circuit judges in a circuit may contract with one or more  
4 private entities **or other court-approved entity** to provide such services. The court-approved  
5 [private] entity, **including private or other entities**, shall act as a misdemeanor probation office

6 in that circuit and shall, pursuant to the terms of the contract, supervise persons placed on  
7 probation by the judges for class A, B, and C misdemeanor offenses, specifically including  
8 persons placed on probation for violations of section 577.023, RSMo. Nothing in sections  
9 559.600 to 559.615 shall be construed to prohibit the board of probation and parole, or the court,  
10 from supervising misdemeanor offenders in a circuit where the judges have entered into a  
11 contract with a [private] probation entity.

**Section 1. The office of state courts administrator shall conduct a study and report  
2 to the general assembly by June 30, 2009, on the impact of changing the definition of child,  
3 as used in section 211.031, RSMo, to include any person over seventeen years of age but not  
4 yet eighteen years of age alleged to have committed a status offense as defined in  
5 subdivision (2) of subsection 1 of section 211.031, RSMo. The report shall contain  
6 information regarding the impact on caseloads of juvenile officers, including the average  
7 increase in caseload per juvenile officer for each judicial circuit, and the number of  
8 children affected by the change in definition.**

✓