

MEMORANDUM TO: Platte County Bar; Sheriff Owen; Major Holland; Kim Johnson

FROM: Judge Fincham

DATE: May 4, 2022

RE: Jail time credit

Section 558.031.2 relating to the determination of jail time credit was recently amended. This statutory change applies to crimes committed on or after August 28, 2021. Pursuant to that amendment, if a court awards jail time credit, it shall determine the number of days credit at the time of pronouncing sentence.

We received guidance on this procedure at our recent judicial training, and as a result, we are requesting that defense attorneys come to the plea prepared to state the number of days proposed or agreed upon between the parties for credit by verifying the number of days with the detention center in advance of the plea. If credit is being requested for time after the warrant was served on the defendant prior to being in custody in our jail, defense attorneys should also obtain letters of incarceration from the jail where the defendant was previously held for which such credit is requested.

Practically speaking, without such a number to pronounce, sentencing will need to be continued to allow for the calculation by the sheriff.

The following language will become standard in the court's Judgments and Sentences for felony cases:

*Pursuant to Section 558.031.2 R. S. Mo, the Court has determined that the defendant shall receive credit for [insert number] days toward the service of defendant's sentence, for time spent in prison, jail or custody after the offense occurred and before conviction."*

We realize that this procedure will add an extra step to the current general practice. It is not our intent to cause inconvenience, but rather to help guide the most efficient use of everyone's time throughout the process. We appreciate everyone's cooperation. Please feel free to reach out to any of us with any questions or concerns.