

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 100, Page 19, Section 478.320, Line 32,
2 by inserting after all of said line the following:

3 "478.1100. 1. Sections 478.1100 to 478.1120 shall be known and may be cited as the
4 "Veterans Treatment Intervention Act".

5 2. For purposes of sections 478.1100 to 478.1120, the following terms shall mean:

6 (1) "Servicemember", any person serving as a member of the United States Armed Forces on
7 active duty or state active duty and all members of the Missouri National Guard and United States
8 Reserve Forces;

9 (2) "Veteran", any person defined as a veteran by the United States Department of Veterans
10 Affairs or its successor agency.

11 478.1105. The presiding judge of any judicial circuit or a combination of circuit courts, upon
12 agreement of the presiding judges of such circuit courts, in this state may establish a "Military
13 Veterans and Servicemembers Court Program" under which veterans and servicemembers who suffer
14 from a military-related mental illness, traumatic brain injury, substance abuse disorder, or
15 psychological problem may be sentenced in a manner that appropriately addresses the severity of the
16 mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through
17 services tailored to the individual needs of the participant. Entry into any military veterans and
18 servicemembers court program shall be based upon the sentencing court's assessment of the
19 defendant's criminal history, military service, substance abuse treatment needs, mental health
20 treatment needs, amenability to the services of the program, the recommendation of the prosecuting
21 attorney and the victim, if any, and the defendant's agreement to enter the program.

22 478.1110. 1. Any person who is charged with a felony, other than a felony listed in
23 subsection 2 of this section, identified as a veteran or servicemember who suffers from a military
24 service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological
25 problem is eligible for admission into a veterans' treatment intervention program approved by the
26 presiding judge of the circuit upon motion of either party or the court's own motion, except:

27 (1) If a defendant was previously offered admission to a veterans' treatment intervention
28 program at any time before trial and the defendant rejected such offer on the record, the court may
29 deny the defendant's admission to such a program;

30 (2) If a defendant previously entered a court-ordered veterans' treatment program, the court
31 may deny the defendant's admission into the veterans' treatment program.

32
33 In order to maintain compliance with federal law, nothing in sections 478.1100 to 478.1120 shall
34 apply to any offense committed by a holder of a commercial driver's license or any person operating
35 a commercial motor vehicle when the offense was committed, if the provisions of sections 478.1100
36 to 478.1120 as applied to such offenses results in this state's failure to comply with applicable federal
37 laws and regulations.

Action Taken _____ Date _____

1 2. Any person charged with the following felonies, including attempt of such felonies, shall
 2 not be eligible for admission into a veterans' treatment intervention program under sections 478.1100
 3 to 478.1120:

- 4 (1) Murder or manslaughter under chapter 565;
- 5 (2) Kidnapping or false imprisonment under chapter 565;
- 6 (3) Aggravated assault under chapter 565;
- 7 (4) Stalking under chapter 565;
- 8 (5) Elder abuse under chapter 565;
- 9 (6) Sexual offenses under chapter 566;
- 10 (7) Offenses against the family under chapter 568;
- 11 (8) Robbery or burglary under chapter 569;
- 12 (9) Arson under chapter 569;
- 13 (10) Water contamination under chapter 569;
- 14 (11) Child pornography under chapter 573;
- 15 (12) Treason; and
- 16 (13) Any offense committed in another jurisdiction which would be a felony offense listed in
 17 this subsection if committed in this state.

18 3. (1) While enrolled in an intervention program authorized by this section, the participant
 19 shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The
 20 coordinated strategy shall be modeled after the therapeutic jurisprudence principles and key
 21 components listed in subdivision (2) of this subsection, with treatment specific to the needs of
 22 veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that
 23 may be imposed upon the participant for noncompliance with program rules. The protocol of
 24 sanctions may include, but not be limited to, placement in a treatment program offered by a licensed
 25 service provider or in a jail-based treatment program. The coordinated strategy shall be provided in
 26 writing to the participant before the participant agrees to enter into a veterans' treatment intervention
 27 program or other intervention program. Any person whose charges are dismissed after successful
 28 completion of the veterans' treatment intervention program, if otherwise eligible, may have his or her
 29 arrest record of the dismissed charges expunged under chapter 610.

- 30 (2) The treatment program shall include:
- 31 (a) Integrate alcohol and other drug treatment services with justice system case processing;
- 32 (b) Use a nonadversarial approach in which prosecution and defense counsel promote public
 33 safety while protecting participants' due process rights;
- 34 (c) Eligible participants are identified early and promptly placed in the treatment program;
- 35 (d) The treatment program provides access to a continuum of alcohol, drug, and other related
 36 treatment and rehabilitation services;
- 37 (e) Abstinence is monitored by frequent and random testing for alcohol and other drugs;
- 38 (f) A coordinated strategy governs treatment program responses to participants' compliance;
- 39 (g) Ongoing judicial interaction with each treatment program participant is essential;
- 40 (h) Monitoring and evaluation measure the achievement of program goals and gauge
 41 treatment program effectiveness;
- 42 (i) Continuing interdisciplinary education promotes effective treatment program planning,
 43 implementation, and operations;
- 44 (j) Forging partnerships among treatment programs, public agencies, and community-based
 45 organizations generates local support and enhances treatment program effectiveness.

46 4. At the end of the intervention period, the court shall consider the recommendation of the
 47 treatment program and the recommendation of the prosecuting attorney as to disposition of the
 48 pending charges. The court shall determine, by written finding, whether the defendant has

1 successfully completed the intervention program. If the court finds that the defendant has not
2 successfully completed the intervention program, the court may order the person to continue in
3 education and treatment, which may include treatment programs offered by licensed service
4 providers or jail-based treatment programs, or order that the charges revert to normal channels for
5 prosecution. The court shall dismiss the charges upon a finding that the defendant has successfully
6 completed the intervention program.

7 478.1115. 1. Any veteran or servicemember who suffers from a military service-related
8 mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, and who
9 is charged with a misdemeanor is eligible for admission into a veterans' treatment intervention
10 program approved by the presiding judge of the circuit for a period based on the program's
11 requirements and the treatment plan for the offender, upon motion of either party or the court's own
12 motion. However, the court may deny the defendant admission into a veterans' treatment
13 intervention program if the defendant has previously entered a court-ordered veterans' treatment
14 program.

15 2. While enrolled in an intervention program authorized by this section, the participant shall
16 be subject to a coordinated strategy developed by a veterans' treatment intervention team. The
17 coordinated strategy shall be modeled after the therapeutic jurisprudence principles and key
18 components in subdivision (2) of subsection 3 of section 478.1110, with treatment specific to the
19 needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions
20 that may be imposed upon the participant for noncompliance with program rules. The protocol of
21 sanctions may include, but not be limited to, placement in a treatment program offered by a licensed
22 service provider or in a jail-based treatment program. The coordinated strategy shall be provided in
23 writing to the participant before the participant agrees to enter into a veterans' treatment intervention
24 program. Any person whose charges are dismissed after successful completion of the veterans'
25 treatment intervention program, if otherwise eligible, may have his or her arrest record of the
26 dismissed charges expunged under chapter 610.

27 3. At the end of the intervention period, the court shall consider the recommendation of the
28 treatment program and the recommendation of the prosecuting attorney as to disposition of the
29 pending charges. The court shall determine, by written finding, whether the defendant successfully
30 completed the intervention program. Notwithstanding the coordinated strategy developed by a team
31 under subdivision (2) of subsection 2 of section 478.1110 or by the veterans' treatment intervention
32 team, if the court finds that the defendant has not successfully completed the intervention program,
33 the court may order the person to continue in education and treatment or return the charges to the
34 criminal docket for prosecution. The court shall dismiss the charges upon finding that the defendant
35 has successfully completed the intervention program.

36 4. Any public or private entity providing a substance abuse education and treatment program
37 under this section shall contract with the county or appropriate governmental entity. Except for
38 services provided by the United States Department of Veterans Affairs, the terms of the contract shall
39 include, but not be limited to, the following requirements:

40 (1) The extent of the services to be rendered by the entity providing supervision or
41 rehabilitation;

42 (2) Staff qualifications and criminal record checks of staff in accordance with essential
43 standards established by the American Correctional Association;

44 (3) Staffing levels;

45 (4) The number of face-to-face contacts with the offender;

46 (5) Procedures for handling the collection of all offender fees and restitution;

47 (6) Procedures for handling indigent offenders which ensure placement irrespective of
48 ability to pay;

1 (7) Circumstances under which revocation of an offender's probation may be recommended;
2 (8) Reporting and record-keeping requirements;
3 (9) Default and contract termination procedures;
4 (10) Procedures that aid offenders with job assistance; and
5 (11) Procedures for accessing criminal history records of probationers. In addition, the
6 entity shall supply the presiding judge's office with a quarterly report summarizing the number of
7 offenders supervised by the private entity, payment of the required contribution under supervision or
8 rehabilitation, and the number of offenders for whom supervision or rehabilitation will be
9 terminated. All records of the entity shall be open to inspection upon the request of the county, the
10 court, the state auditor, and the office of administration, or agents thereof.

11 478.1120. For a person on probation who is a veteran or servicemember who suffers from a
12 military service-related mental illness, traumatic brain injury, substance abuse disorder, or
13 psychological problem, the court may, in addition to any other conditions imposed, impose a
14 condition requiring the probationer to participate in a treatment program capable of treating the
15 probationer's mental illness, traumatic brain injury, substance abuse disorder, or psychological
16 problem. The court shall give preference to treatment programs for which the probationer is eligible
17 through the United States Department of Veterans Affairs. The department of corrections is not
18 required to spend state funds to implement this subsection."; and
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20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.