

FIRST REGULAR SESSION

# HOUSE BILL NO. 547

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIFFITH.

1004H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 478.001, RSMo, and to enact in lieu thereof one new section relating to veteran treatment courts.

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

Section A. Section 478.001, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 478.001, to read as follows:

478.001. 1. For purposes of sections 478.001 to 478.009, the following terms shall mean:

(1) "Adult treatment court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of defendants charged with a criminal offense;

(2) "Community-based substance use disorder treatment program", an agency certified by the department of mental health as a substance use disorder treatment provider;

(3) "Co-occurring disorder", the coexistence of both a substance use disorder and a mental health disorder;

(4) "DWI court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of defendants who have pleaded guilty to or been found guilty of driving while intoxicated or driving with excessive blood alcohol content;

(5) "Family treatment court", a treatment court focused on addressing a substance use disorder or co-occurring disorder existing in families in the juvenile court, family court, or criminal court in which a parent or other household member has been determined to have a substance use disorder or co-occurring disorder that impacts the safety and well-being of the children in the family;

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.

17 (6) "Juvenile treatment court", a treatment court focused on addressing the substance use  
18 disorder or co-occurring disorder of juveniles in the juvenile court;

19 (7) "Medication-assisted treatment", the use of pharmacological medications, in  
20 combination with counseling and behavioral therapies, to provide a whole-patient approach to  
21 the treatment of substance use disorders;

22 (8) "Mental health disorder", any organic, mental, or emotional impairment that has  
23 substantial adverse effects on a person's cognitive, volitional, or emotional function and that  
24 constitutes a substantial impairment in a person's ability to participate in activities of normal  
25 living;

26 (9) "Risk and needs assessment", an actuarial tool, approved by the treatment courts  
27 coordinating commission and validated on a targeted population of drug-involved adult  
28 offenders, scientifically proven to determine a person's risk to recidivate and to identify criminal  
29 risk factors that, when properly addressed, can reduce that person's likelihood of committing  
30 future criminal behavior;

31 (10) "Substance use disorder", the recurrent use of alcohol or drugs that causes clinically  
32 significant impairment, including health problems, disability, and failure to meet major  
33 responsibilities at work, school, or home;

34 (11) "Treatment court commissioner", a person appointed by a majority of the circuit and  
35 associate circuit judges in a circuit to preside as the judicial officer in the treatment court  
36 division;

37 (12) "Treatment court division", a specialized, nonadversarial court division with  
38 jurisdiction over cases involving substance-involved offenders and making extensive use of  
39 comprehensive supervision, drug or alcohol testing, and treatment services. Treatment court  
40 divisions include, but are not limited to, the following specialized courts: adult treatment court,  
41 DWI court, family treatment court, juvenile treatment court, veterans treatment court, or any  
42 combination thereof;

43 (13) "Treatment court team", the following members who are assigned to the treatment  
44 court: the judge or treatment court commissioner, treatment court administrator or coordinator,  
45 prosecutor, public defender or member of the criminal defense bar, a representative from the  
46 division of probation and parole, a representative from law enforcement, substance use disorder  
47 treatment providers, and any other person selected by the treatment court team;

48 (14) "Veterans treatment court", a treatment court focused on substance use disorders,  
49 co-occurring disorders, or mental health disorders of defendants charged with a criminal offense  
50 who are military veterans or current military personnel.

51 2. A treatment court division ~~may~~ **shall** be established by any circuit court pursuant to  
52 sections 478.001 to 478.009 to provide an alternative for the judicial system to dispose of cases

53 which stem from, or are otherwise impacted by, substance use. The treatment court division may  
54 include, but not be limited to, cases assigned to an adult treatment court, DWI court, family  
55 treatment court, juvenile treatment court, veterans treatment court, or any combination thereof.  
56 A treatment court shall combine judicial supervision, drug or alcohol testing, and treatment of  
57 participants. Except for good cause found by the court, a treatment court making a referral for  
58 substance use disorder treatment, when such program will receive state or federal funds in  
59 connection with such referral, shall refer the person only to a program which is certified by the  
60 department of mental health, unless no appropriate certified treatment program is located within  
61 the same county as the treatment court. Upon successful completion of the treatment court  
62 program, the charges, petition, or penalty against a treatment court participant may be dismissed,  
63 reduced, or modified, unless otherwise stated. Any fees received by a court from a defendant as  
64 payment for substance treatment programs shall not be considered court costs, charges or fines.

65 3. An adult treatment court may be established by any circuit court under sections  
66 478.001 to 478.009 to provide an alternative for the judicial system to dispose of cases which  
67 stem from substance use.

68 4. Under sections 478.001 to 478.009, a DWI court may be established by any circuit  
69 court to provide an alternative for the judicial system to dispose of cases that stem from driving  
70 while intoxicated.

71 5. A family treatment court may be established by any circuit court. The juvenile  
72 division of the circuit court or the family court, if one is established under section 487.010, may  
73 refer one or more parents or other household members subject to its jurisdiction to the family  
74 treatment court if he or she has been determined to have a substance use disorder or co-occurring  
75 disorder that impacts the safety and well-being of the children in the family.

76 6. A juvenile treatment court may be established by the juvenile division of any circuit  
77 court. The juvenile division may refer a juvenile to the juvenile treatment court if the juvenile  
78 is determined to have committed acts that violate the criminal laws of the state or ordinances of  
79 a municipality or county and a substance use disorder or co-occurring disorder contributed to the  
80 commission of the offense.

81 7. A veterans treatment court may be established by any circuit court, or combination of  
82 circuit courts upon agreement of the presiding judges of such circuit courts, to provide an  
83 alternative for the judicial system to dispose of cases that stem from a substance use disorder,  
84 mental health disorder, or co-occurring disorder of military veterans or current military  
85 personnel. A veterans treatment court shall combine judicial supervision, drug or alcohol testing,  
86 and substance use and mental health disorder treatment to participants who have served or are  
87 currently serving the United States Armed Forces, including members of the Reserves or  
88 National Guard. Except for good cause found by the court, a veterans treatment court shall make

89 a referral for substance use or mental health disorder treatment, or a combination of substance  
90 use and mental health disorder treatment, through the Department of Defense health care, the  
91 Veterans Administration, or a community-based substance use disorder treatment program.  
92 Community-based programs utilized shall receive state or federal funds in connection with such  
93 referral and shall only refer the individual to a program certified by the department of mental  
94 health, unless no appropriate certified treatment program is located within the same circuit as the  
95 veterans treatment court.

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