

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 72, Page 109, Section 650.340, Line 30, by inserting after all of said section and line
3 the following:
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5 ~~"[217.785. 1. As used in this section, the term "Missouri postconviction~~
6 ~~drug treatment program" means a program of noninstitutional and institutional~~
7 ~~correctional programs for the monitoring, control and treatment of certain drug~~
8 ~~abuse offenders.~~

9 ~~2. The department of corrections shall establish by regulation the~~
10 ~~"Missouri Postconviction Drug Treatment Program". The program shall include~~
11 ~~noninstitutional and institutional placement. The institutional phase of the~~
12 ~~program may include any offender under the supervision and control of the~~
13 ~~department of corrections. The department shall establish rules determining how,~~
14 ~~when and where an offender shall be admitted into or removed from the program.~~

15 ~~3. Any first time offender who has been found guilty of violating the~~
16 ~~provisions of chapter 195 or 579, or whose controlled substance abuse was a~~
17 ~~precipitating or contributing factor in the commission of his offense, and who is~~
18 ~~placed on probation may be required to participate in the noninstitutional phase of~~
19 ~~the program, which may include education, treatment and rehabilitation programs.~~
20 ~~Persons required to attend a program pursuant to this section may be charged a~~
21 ~~reasonable fee to cover the costs of the program. Failure of an offender to~~
22 ~~complete successfully the noninstitutional phase of the program shall be sufficient~~
23 ~~cause for the offender to be remanded to the sentencing court for assignment to the~~
24 ~~institutional phase of the program or any other authorized disposition.~~

25 ~~4. A probationer shall be eligible for assignment to the institutional phase~~
26 ~~of the postconviction drug treatment program if he has failed to complete~~
27 ~~successfully the noninstitutional phase of the program. If space is available, the~~
28 ~~sentencing court may assign the offender to the institutional phase of the program~~
29 ~~as a special condition of probation, without the necessity of formal revocation of~~
30 ~~probation.~~

31 ~~5. The availability of space in the institutional program shall be~~
32 ~~determined by the department of corrections. If the sentencing court is advised~~
33 ~~that there is no space available, then the court shall consider other authorized~~
34 ~~dispositions.~~

35 ~~6. Any time after ninety days and prior to one hundred twenty days after~~
36 ~~assignment of the offender to the institutional phase of the program, the~~

Action Taken _____ Date _____

1 department shall submit to the court a report outlining the performance of the
2 offender in the program. If the department determines that the offender will not
3 participate or has failed to complete the program, the department shall advise the
4 sentencing court, who shall cause the offender to be brought before the court for
5 consideration of revocation of the probation or other authorized disposition. If the
6 offender successfully completes the program, the department shall release the
7 individual to the appropriate probation and parole district office and so advise the
8 court.

9 7. Time spent in the institutional phase of the program shall count as time
10 served on the sentence."]; and

11
12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.