

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for House Bill No. 90, Page 3, Section 467.055, Line 58, by  
2 inserting after all of said section and line the following:

3  
4 ~~"[217.785. 1. As used in this section, the term "Missouri postconviction~~  
5 ~~drug treatment program" means a program of noninstitutional and institutional~~  
6 ~~correctional programs for the monitoring, control and treatment of certain drug~~  
7 ~~abuse offenders.~~

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

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

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

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

34 ~~6. Any time after ninety days and prior to one hundred twenty days after~~  
35 ~~assignment of the offender to the institutional phase of the program, the~~  
36 ~~department shall submit to the court a report outlining the performance of the~~

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

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

10  
11 Further amend said bill by amending the title, enacting clause, and intersectional references  
12 accordingly.