

FIRST REGULAR SESSION

HOUSE BILL NO. 119

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHIELDS.

1011H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 217.785, RSMo, relating to the Missouri postconviction drug treatment program.

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

Section A. Section 217.785, RSMo, is repealed, to read as follows:

2 ~~[217.785. 1. As used in this section, the term "Missouri~~
3 ~~postconviction drug treatment program" means a program of noninstitutional~~
4 ~~and institutional correctional programs for the monitoring, control and~~
5 ~~treatment of certain drug abuse offenders.~~

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

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

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.

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

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

33 6. ~~Any time after ninety days and prior to one hundred twenty days~~
34 ~~after assignment of the offender to the institutional phase of the program, the~~
35 ~~department shall submit to the court a report outlining the performance of the~~
36 ~~offender in the program. If the department determines that the offender will~~
37 ~~not participate or has failed to complete the program, the department shall~~
38 ~~advise the sentencing court, who shall cause the offender to be brought before~~
39 ~~the court for consideration of revocation of the probation or other authorized~~
40 ~~disposition. If the offender successfully completes the program, the~~
41 ~~department shall release the individual to the appropriate probation and~~
42 ~~parole district office and so advise the court.~~

43 7. ~~Time spent in the institutional phase of the program shall count as~~
44 ~~time served on the sentence.]~~

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