

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

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 862, Page 74,  
2 Section 455.513, Line 25, by inserting after said section and line the following:

3  
4 "478.001. 1. For purposes of sections 478.001 to 478.009, the following terms shall mean:

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

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

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

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

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

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

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

24 (8) "Mental health court", a court focused on addressing the mental health disorder or co-  
25 occurring disorder of defendants charged with a criminal offense;

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

29 [~~9~~] (10) "Risk and needs assessment", an actuarial tool, approved by the treatment courts  
30 coordinating commission and validated on a targeted population of drug-involved adult offenders,

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1 scientifically proven to determine a person's risk to recidivate and to identify criminal risk factors  
2 that, when properly addressed, can reduce that person's likelihood of committing future criminal  
3 behavior;

4 ~~[(10)]~~ (11) "Substance use disorder", the recurrent use of alcohol or drugs that causes  
5 clinically significant impairment, including health problems, disability, and failure to meet major  
6 responsibilities at work, school, or home;

7 ~~[(11)]~~ (12) "Treatment court commissioner", a person appointed by a majority of the circuit  
8 and associate circuit judges in a circuit to preside as the judicial officer in the treatment court  
9 division;

10 ~~[(12)]~~ (13) "Treatment court division", a specialized, nonadversarial court division with  
11 jurisdiction over cases involving substance-involved offenders and making extensive use of  
12 comprehensive supervision, drug or alcohol testing, and treatment services. Treatment court  
13 divisions include, but are not limited to, the following specialized courts: adult treatment court,  
14 DWI court, family treatment court, juvenile treatment court, mental health court, veterans treatment  
15 court, or any combination thereof;

16 ~~[(13)]~~ (14) "Treatment court team", the following members who are assigned to the  
17 treatment court: the judge or treatment court commissioner, treatment court administrator or  
18 coordinator, prosecutor, public defender or member of the criminal defense bar, a representative  
19 from the division of probation and parole, a representative from law enforcement, substance use or  
20 mental health disorder treatment providers, and any other person selected by the treatment court  
21 team;

22 ~~[(14)]~~ (15) "Veterans treatment court", a treatment court focused on substance use disorders,  
23 co-occurring disorders, or mental health disorders of defendants charged with a criminal offense  
24 who are military veterans or current military personnel.

25 2. A treatment court division shall be established, prior to August 28, 2021, by any circuit  
26 court pursuant to sections 478.001 to 478.009 to provide an alternative for the judicial system to  
27 dispose of cases which stem from, or are otherwise impacted by, a substance use or mental health  
28 disorder. The treatment court division may include, but not be limited to, cases assigned to an adult  
29 treatment court, DWI court, family treatment court, juvenile treatment court, mental health court,  
30 veterans treatment court, or any combination thereof. A treatment court shall combine judicial  
31 supervision, drug or alcohol testing, and treatment of participants. Except for good cause found by  
32 the court, a treatment court making a referral for substance use or mental health disorder treatment,  
33 when such program will receive state or federal funds in connection with such referral, shall refer  
34 the person only to a program which is certified by the department of mental health, unless no  
35 appropriate certified treatment program is located within the same county as the treatment court.  
36 Upon successful completion of the treatment court program, the charges, petition, or penalty against  
37 a treatment court participant may be dismissed, reduced, or modified, unless otherwise stated. Any  
38 fees received by a court from a defendant as payment for substance or mental health treatment  
39 programs shall not be considered court costs, charges or fines.

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

4           4. [~~Under sections 478.001 to 478.009,~~] A DWI court may be established by any circuit  
5 court to provide an alternative for the judicial system to dispose of cases that stem from driving  
6 while intoxicated.

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

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

17           7. The general assembly finds and declares that it is the public policy of this state to  
18 encourage and provide an alternative method for the disposal of cases for military veterans and  
19 current military personnel with substance use disorders, mental health disorders, or co-occurring  
20 disorders. In order to effectuate this public policy, a veterans treatment court may be established by  
21 any circuit court, or combination of circuit courts upon agreement of the presiding judges of such  
22 circuit courts, to provide an alternative for the judicial system to dispose of cases that stem from a  
23 substance use disorder, mental health disorder, or co-occurring disorder of military veterans or  
24 current military personnel. A veterans treatment court shall combine judicial supervision, drug or  
25 alcohol testing, and substance use and mental health disorder treatment to participants who have  
26 served or are currently serving the United States Armed Forces, including members of the Reserves  
27 or National Guard, with preference given to individuals who have combat service. For the purposes  
28 of this section, combat service shall be shown through military service documentation that reflects  
29 service in a combat theater, receipt of combat service medals, or receipt of imminent danger or  
30 hostile fire pay or tax benefits. Except for good cause found by the court, a veterans treatment court  
31 shall make a referral for substance use or mental health disorder treatment, or a combination of  
32 substance use and mental health disorder treatment, through the Department of Defense health care,  
33 the Veterans Administration, or a community-based substance use disorder treatment program.  
34 Community-based programs utilized shall receive state or federal funds in connection with such  
35 referral and shall only refer the individual to a program certified by the department of mental health,  
36 unless no appropriate certified treatment program is located within the same circuit as the veterans  
37 treatment court.

1           8. A mental health court may be established by any circuit court to provide an alternative for  
2 the judicial system to dispose of cases that stem from a mental health disorder or co-occurring  
3 disorder."; and

4  
5 Further amend said bill by amending the title, enacting clause, and intersectional references  
6 accordingly.