

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 736, Page 102, Section 442.210, Line 38, by
2 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 disorder or
6 co-occurring disorder of defendants charged with a criminal offense;

7 (2) "Community-based substance use disorder treatment program", an agency certified by the
8 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 health
10 disorder;

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

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

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

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

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

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

28 [~~9~~] (10) "Risk and needs assessment", an actuarial tool, approved by the treatment courts
29 coordinating commission and validated on a targeted population of drug-involved adult offenders,

Action Taken _____ Date _____

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

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

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

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

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