

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 60, Page 28, Section 455.513, Line 25, by inserting after said section and line the
3 following:
4

5 "478.001. 1. For purposes of sections 478.001 to 478.009, the following terms shall mean:

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

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

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

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

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

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

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

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

28 (9) "Mental health treatment court", a treatment court focused on addressing the mental
29 health disorder or co-occurring disorder of defendants charged with a criminal offense;

Action Taken _____ Date _____

1 (10) "Risk and needs assessment", an actuarial tool, approved by the treatment courts
2 coordinating commission and validated on a targeted population of drug-involved adult offenders,
3 scientifically proven to determine a person's risk to recidivate and to identify criminal risk factors
4 that, when properly addressed, can reduce that person's likelihood of committing future criminal
5 behavior;

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

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

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

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

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

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

1 otherwise stated. Except for those costs waived pursuant to section 488.016, any fees received by a
2 court from a defendant as payment for ~~[substance]~~ treatment programs shall not be considered court
3 costs, charges or fines.

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

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

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

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

20 7. The general assembly finds and declares that it is the public policy of this state to
21 encourage and provide an alternative method for the disposal of cases for military veterans and
22 current military personnel with substance use disorders, mental health disorders, or co-occurring
23 disorders. In order to effectuate this public policy, a veterans treatment court may be established by
24 any circuit court, or combination of circuit courts upon agreement of the presiding judges of such
25 circuit courts, to provide an alternative for the judicial system to dispose of cases that stem from a
26 substance use disorder, mental health disorder, or co-occurring disorder of military veterans or
27 current military personnel. A veterans treatment court shall combine judicial supervision, drug or
28 alcohol testing, and substance use and mental health disorder treatment to participants who have
29 served or are currently serving the United States Armed Forces, including members of the Reserves
30 or National Guard, with preference given to individuals who have combat service. For the purposes
31 of this section, combat service shall be shown through military service documentation that reflects
32 service in a combat theater, receipt of combat service medals, or receipt of imminent danger or
33 hostile fire pay or tax benefits. Except for good cause found by the court, a veterans treatment court
34 shall make a referral for substance use or mental health disorder treatment, or a combination of
35 substance use and mental health disorder treatment, through the Department of Defense health care,
36 the Veterans Administration or its successor department or agency, or a community-based substance
37 use disorder treatment program. Community-based programs utilized shall receive state or federal
38 funds in connection with such referral and shall only refer the individual to a program certified by

1 the department of mental health, unless no appropriate certified treatment program is located within
2 the same circuit as the veterans treatment court.

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

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