

FIRST REGULAR SESSION

HOUSE BILL NO. 82

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIFFITH.

0420H.021

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 478.001, RSMo, and to enact in lieu thereof one new section relating to treatment courts.

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

Section A. Section 478.001, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 478.001, to read as follows:

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

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

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

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

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

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

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.

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

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

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

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

31 (10) "Substance use disorder", the recurrent use of alcohol or drugs that causes
32 clinically significant impairment, including health problems, disability, and failure to meet
33 major responsibilities at work, school, or home;

34 (11) "Treatment court commissioner", a person appointed by a majority of the circuit
35 and associate circuit judges in a circuit to preside as the judicial officer in the treatment court
36 division;

37 (12) "Treatment court division", a specialized, nonadversarial court division with
38 jurisdiction over cases involving substance-involved offenders and making extensive use of
39 comprehensive supervision, drug or alcohol testing, and treatment services. Treatment court
40 divisions include, but are not limited to, the following specialized courts: adult treatment
41 court, DWI court, family treatment court, juvenile treatment court, veterans treatment court,
42 or any combination thereof;

43 (13) "Treatment court team", the following members who are assigned to the
44 treatment court: the judge or treatment court commissioner, treatment court administrator or
45 coordinator, prosecutor, public defender or member of the criminal defense bar, a
46 representative from the division of probation and parole, a representative from law
47 enforcement, substance use disorder treatment providers, and any other person selected by the
48 treatment court team;

49 (14) "Veterans treatment court", a treatment court focused on substance use disorders,
50 co-occurring disorders, or mental health disorders of defendants charged with a criminal
51 offense who are military veterans or current military personnel.

52 2. **Before August 28, 2027**, a treatment court division shall be established [~~], prior to~~
53 ~~August 28, 2021,~~] by [~~any~~] **each** circuit court pursuant to sections 478.001 to 478.009 to

54 provide an alternative for the judicial system to dispose of cases which stem from, or are
55 otherwise impacted by, substance use. The treatment court division may include, but not be
56 limited to, cases assigned to an adult treatment court, DWI court, family treatment court,
57 juvenile treatment court, veterans treatment court, or any combination thereof. A treatment
58 court shall combine judicial supervision, drug or alcohol testing, and treatment of
59 participants. Except for good cause found by the court, a treatment court making a
60 referral for substance use disorder treatment, when such program will receive state or federal
61 funds in connection with such referral, shall refer the person only to a program which is
62 certified by the department of mental health, unless no appropriate certified treatment
63 program is located within the same county as the treatment court. Upon successful
64 completion of the treatment court program, the charges, petition, or penalty against a
65 treatment court participant may be dismissed, reduced, or modified, unless otherwise stated.
66 **Except for those costs waived pursuant to section 488.016**, any fees received by a court
67 from a defendant as payment for substance treatment programs shall not be considered court
68 costs, charges or fines.

69 3. An adult treatment court may be established by any circuit court under sections
70 478.001 to 478.009 to provide an alternative for the judicial system to dispose of cases which
71 stem from substance use.

72 4. Under sections 478.001 to 478.009, a DWI court may be established by any circuit
73 court to provide an alternative for the judicial system to dispose of cases that stem from
74 driving while intoxicated.

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

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

85 7. The general assembly finds and declares that it is the public policy of this state to
86 encourage and provide an alternative method for the disposal of cases for military veterans
87 and current military personnel with substance use disorders, mental health disorders, or co-
88 occurring disorders. In order to effectuate this public policy, a veterans treatment court [~~may~~]
89 **shall** be established by [~~any~~] **each** circuit court, or combination of circuit courts upon
90 agreement of the presiding judges of such circuit courts, to provide an alternative for the

91 judicial system to dispose of cases that stem from a substance use disorder, mental health
92 disorder, or co-occurring disorder of military veterans or current military personnel. A
93 veterans treatment court shall combine judicial supervision, drug or alcohol testing, and
94 substance use and mental health disorder treatment to participants who have served or are
95 currently serving the United States Armed Forces, including members of the Reserves or
96 National Guard, with preference given to individuals who have combat service. For the
97 purposes of this section, combat service shall be shown through military service
98 documentation that reflects service in a combat theater, receipt of combat service medals,
99 or receipt of imminent danger or hostile fire pay or tax benefits. Except for good cause found
100 by the court, a veterans treatment court shall make a referral for substance use or mental
101 health disorder treatment, or a combination of substance use and mental health disorder
102 treatment, through the Department of Defense health care, the Veterans Administration, or a
103 community-based substance use disorder treatment program. Community-based programs
104 utilized shall receive state or federal funds in connection with such referral and shall only
105 refer the individual to a program certified by the department of mental health, unless no
106 appropriate certified treatment program is located within the same circuit as the veterans
107 treatment court.

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