

FIRST REGULAR SESSION

# HOUSE BILL NO. 227

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BLACK.

0449H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

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

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*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Section A. Section 478.001, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 478.001, to read as follows: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 court", a court focused on addressing the mental health  
23 disorder or co-occurring disorder of defendants charged with a criminal offense;**

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

28 ~~[(9)]~~ (10) "Risk and needs assessment", an actuarial tool, approved by the treatment  
29 courts coordinating commission and validated on a targeted population of drug-involved adult  
30 offenders, scientifically proven to determine a person's risk to recidivate and to identify  
31 criminal risk factors that, when properly addressed, can reduce that person's likelihood of  
32 committing future criminal behavior;

33 ~~[(10)]~~ (11) "Substance use disorder", the recurrent use of alcohol or drugs that causes  
34 clinically significant impairment, including health problems, disability, and failure to meet  
35 major responsibilities at work, school, or home;

36 ~~[(11)]~~ (12) "Treatment court commissioner", a person appointed by a majority of the  
37 circuit and associate circuit judges in a circuit to preside as the judicial officer in the treatment  
38 court division;

39 ~~[(12)]~~ (13) "Treatment court division", a specialized, nonadversarial court division  
40 with jurisdiction over cases involving substance-involved offenders and making extensive use  
41 of comprehensive supervision, drug or alcohol testing, and treatment services. Treatment  
42 court divisions include, but are not limited to, the following specialized courts: adult  
43 treatment court, DWI court, family treatment court, juvenile treatment court, **mental health  
44 court**, veterans treatment court, or any combination thereof;

45 ~~[(13)]~~ (14) "Treatment court team", the following members who are assigned to the  
46 treatment court: the judge or treatment court commissioner, treatment court administrator or  
47 coordinator, prosecutor, public defender or member of the criminal defense bar, a  
48 representative from the division of probation and parole, a representative from law  
49 enforcement, substance use **or mental health** disorder treatment providers, and any other  
50 person selected by the treatment court team;

51 ~~[(14)]~~ (15) "Veterans treatment court", a treatment court focused on substance use  
52 disorders, co-occurring disorders, or mental health disorders of defendants charged with a  
53 criminal offense who are military veterans or current military personnel.

54           2. A treatment court division shall be established, prior to August 28, 2021, by any  
55 circuit court pursuant to sections 478.001 to 478.009 to provide an alternative for the judicial  
56 system to dispose of cases which stem from, or are otherwise impacted by, a substance use **or**  
57 **mental health disorder**. The treatment court division may include, but not be limited to,  
58 cases assigned to an adult treatment court, DWI court, family treatment court, juvenile  
59 treatment court, **mental health court**, veterans treatment court, or any combination thereof.  
60 A treatment court shall combine judicial supervision, drug or alcohol testing, and treatment of  
61 participants. Except for good cause found by the court, a treatment court making a referral for  
62 substance use **or mental health** disorder treatment, when such program will receive state or  
63 federal funds in connection with such referral, shall refer the person only to a program which  
64 is certified by the department of mental health, unless no appropriate certified treatment  
65 program is located within the same county as the treatment court. Upon successful  
66 completion of the treatment court program, the charges, petition, or penalty against a  
67 treatment court participant may be dismissed, reduced, or modified, unless otherwise stated.  
68 Any fees received by a court from a defendant as payment for substance **or mental health**  
69 treatment programs shall not be considered court costs, charges or fines.

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

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

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

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

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

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

108 **8. A mental health court may be established by any circuit court to provide an**  
109 **alternative for the judicial system to dispose of cases that stem from a mental health**  
110 **disorder or co-occurring disorder.**

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