

SECOND REGULAR SESSION

# HOUSE BILL NO. 3417

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JAMISON.

7280H.011

JOSEPH ENGLER, 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 treatment 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Section A. Section 478.001, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 478.001, to read as follows: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) **"Domestic violence treatment court", a treatment court focused on addressing a substance use disorder or co-occurring disorder of defendants charged with a criminal offense involving domestic violence;**

(5) "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)~~ (6) "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

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.

18 determined to have a substance use disorder or co-occurring disorder that impacts the safety  
19 and well-being of the children in the family;

20 ~~[(6)]~~ (7) "Juvenile treatment court", a treatment court focused on addressing the  
21 substance use disorder or co-occurring disorder of juveniles in the juvenile court;

22 ~~[(7)]~~ (8) "Medication-assisted treatment", the use of pharmacological medications, in  
23 combination with counseling and behavioral therapies, to provide a whole-patient approach to  
24 the treatment of substance use disorders;

25 ~~[(8)]~~ (9) "Mental health disorder", any organic, mental, or emotional impairment that  
26 has substantial adverse effects on a person's cognitive, volitional, or emotional function and  
27 that constitutes a substantial impairment in a person's ability to participate in activities of  
28 normal living;

29 ~~[(9)]~~ (10) "Mental health treatment court", a treatment court focused on addressing  
30 the mental health disorder or co-occurring disorder of defendants charged with a criminal  
31 offense;

32 ~~[(10)]~~ (11) "Risk and needs assessment", an actuarial tool, approved by the treatment  
33 courts coordinating commission and validated on a targeted population of drug-involved adult  
34 offenders, scientifically proven to determine a person's risk to recidivate and to identify  
35 criminal risk factors that, when properly addressed, can reduce that person's likelihood of  
36 committing future criminal behavior;

37 ~~[(11)]~~ (12) "Substance use disorder", the recurrent use of alcohol or drugs that causes  
38 clinically significant impairment, including health problems, disability, and failure to meet  
39 major responsibilities at work, school, or home;

40 ~~[(12)]~~ (13) "Treatment court commissioner", a person appointed by a majority of the  
41 circuit and associate circuit judges in a circuit to preside as the judicial officer in the treatment  
42 court division;

43 ~~[(13)]~~ (14) "Treatment court division", a specialized, nonadversarial court division  
44 with jurisdiction over cases involving substance-involved offenders and making extensive use  
45 of comprehensive supervision, drug or alcohol testing, and treatment services. Treatment  
46 court divisions include, but are not limited to, the following specialized courts: adult  
47 treatment court, **domestic violence treatment court**, DWI court, family treatment court,  
48 juvenile treatment court, mental health treatment court, veterans treatment court, or any  
49 combination thereof;

50 ~~[(14)]~~ (15) "Treatment court team", the following members who are assigned to the  
51 treatment court: the judge or treatment court commissioner, treatment court administrator or  
52 coordinator, prosecutor, public defender or member of the criminal defense bar, a  
53 representative from the division of probation and parole, a representative from law

54 enforcement, substance use disorder or mental health disorder treatment providers, and any  
55 other person selected by the treatment court team;

56 ~~[(15)]~~ (16) "Veterans treatment court", a treatment court focused on substance use  
57 disorders, co-occurring disorders, or mental health disorders of defendants charged with a  
58 criminal offense who are military veterans or current military personnel.

59 2. A treatment court division shall be established, prior to August 28, 2021, by any  
60 circuit court pursuant to sections 478.001 to 478.009 to provide an alternative for the judicial  
61 system to dispose of cases which stem from, or are otherwise impacted by, a substance use  
62 disorder or mental health disorder. The treatment court division may include, but not be  
63 limited to, cases assigned to an adult treatment court, **domestic violence treatment court**,  
64 DWI court, family treatment court, juvenile treatment court, mental health treatment court,  
65 veterans treatment court, or any combination thereof. A treatment court shall combine  
66 judicial supervision, drug or alcohol testing, and treatment of participants. Except for good  
67 cause found by the court, a treatment court making a referral for substance use disorder or  
68 mental health disorder treatment, when such program will receive state or federal funds in  
69 connection with such referral, shall refer the person only to a program which is certified by  
70 the department of mental health, unless no appropriate certified treatment program is located  
71 within the same county as the treatment court. Upon successful completion of the treatment  
72 court program, the charges, petition, or penalty against a treatment court participant may be  
73 dismissed, reduced, or modified, unless otherwise stated. Except for those costs waived  
74 pursuant to section 488.016, any fees received by a court from a defendant as payment for  
75 treatment programs shall not be considered court costs, charges or fines.

76 3. An adult treatment court may be established by any circuit court to provide an  
77 alternative for the judicial system to dispose of cases which stem from substance use.

78 4. A DWI court may be established by any circuit court to provide an alternative for  
79 the judicial system to dispose of cases that stem from driving while intoxicated.

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

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

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

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

116           **9. A domestic violence treatment court may be established by any circuit court to**  
117 **provide an alternative for the judicial system to dispose of cases that stem from a**  
118 **substance use disorder or co-occurring disorder.**

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