

FIRST REGULAR SESSION

SENATE BILL NO. 118

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

Pre-filed January 7, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

0465S.02I

AN ACT

To amend chapter 478, RSMo, by adding thereto one new section relating to veterans treatment courts.

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

Section A. Chapter 478, RSMo, is amended by adding thereto one new
2 section, to be known as section 478.008, to read as follows:

**478.008. 1. Veterans treatment courts may be established by any
2 circuit court, or combination of circuit courts, upon agreement of the
3 presiding judges of such circuit courts to provide an alternative for the
4 judicial system to dispose of cases which stem from substance abuse or
5 mental illness of military veterans or current military personnel.**

**6 2. A veterans treatment court shall combine judicial supervision,
7 drug testing, and substance abuse and mental health treatment to
8 participants who have served or are currently serving the United
9 States armed forces, including members of the reserves, national guard,
10 or state guard.**

**11 3. Each circuit court shall establish conditions for referral of
12 proceedings to the veterans treatment court.**

**13 4. (1) A circuit that has adopted a veterans treatment court
14 under this section may accept participants from any other jurisdiction
15 in this state based upon either the residence of the participant in the
16 receiving jurisdiction or the unavailability of a veterans treatment
17 court in the jurisdiction where the participant is charged.**

**18 (2) The transfer can occur at any time during the proceedings,
19 including, but not limited to, prior to adjudication. The receiving court
20 shall have jurisdiction to impose sentence, including, but not limited
21 to, sanctions, incentives, incarceration, and phase changes.**

22 **(3) A transfer under this subsection is not valid unless it is**
23 **agreed to by all of the following:**

24 **(a) The defendant or respondent;**

25 **(b) The attorney representing the defendant or respondent;**

26 **(c) The judge of the transferring court and the prosecutor of the**
27 **case; and**

28 **(d) The judge of the receiving veterans treatment court and the**
29 **prosecutor of the veterans treatment court.**

30 **5. The defendant in any criminal proceeding accepted by a**
31 **veterans treatment court for disposition shall be a nonviolent person,**
32 **as determined by the prosecuting attorney. Any proceeding accepted**
33 **by the veterans treatment court program for disposition shall be upon**
34 **agreement of the parties.**

35 **6. Except for good cause found by the court, a veterans treatment**
36 **court shall make a referral for substance abuse or mental health**
37 **treatment, or a combination of substance abuse and mental health**
38 **treatment, through the Department of Defense health care, the Veterans**
39 **Administration, or a community-based treatment program. Community-**
40 **based programs utilized shall receive state or federal funds in**
41 **connection with such referral and shall only refer the individual to a**
42 **program which is certified by the Missouri department of mental**
43 **health, unless no appropriate certified treatment program is located**
44 **within the same county as the veterans treatment court.**

45 **7. Any statement made by a participant as part of participation in**
46 **the veterans treatment court program, or any report made by the staff of**
47 **the program, shall not be admissible as evidence against the participant in**
48 **any criminal, juvenile, or civil proceeding. Notwithstanding the**
49 **foregoing, termination from the veterans treatment court program and**
50 **the reasons for termination may be considered in sentencing or**
51 **disposition.**

52 **8. Notwithstanding any other provision of law to the contrary,**
53 **veterans treatment court staff shall be provided with access to all**
54 **records of any state or local government agency relevant to the**
55 **treatment of any program participant.**

56 **9. Upon general request, employees of all such agencies shall**
57 **fully inform a veterans treatment court staff of all matters relevant to**
58 **the treatment of the participant. All such records and reports and the**

59 contents thereof shall:

60 (1) Be treated as closed records;

61 (2) Not be disclosed to any person outside of the veterans
62 treatment court;

63 (3) Be maintained by the court in a confidential file not available
64 to the public.

65 10. Upon successful completion of the treatment program, the
66 charges, petition, or penalty against a veterans treatment court
67 participant may be dismissed, reduced, or modified. Any fees received
68 by a court from a defendant as payment for substance abuse or mental
69 health treatment programs shall not be considered court costs, charges,
70 or fines.

✓

Bill

Copy