

FIRST REGULAR SESSION

# SENATE BILL NO. 161

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR BLAND.

Pre-filed December 1, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0282S.011

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## AN ACT

To repeal sections 577.001 and 577.049, RSMo, relating to boating while intoxicated, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Sections 577.001 and 577.049, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 306.230, 577.001, and 577.049, to read as follows:

**306.230. 1. Upon a plea of guilty or a finding of guilty for an offense of violating the provisions of section 306.110, 306.111, 306.112, or section 577.010 or 577.012, RSMo, or violations of county or municipal ordinances involving alcohol or drug related boating or traffic offenses, the court shall order the person to participate in and successfully complete a substance abuse traffic offender program defined in section 577.001, RSMo.**

**2. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolling in the program. Any person who attends the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse the supplemental fees for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is established in section 630.053, RSMo.**

577.001. 1. As used in this chapter, the term "drive", "driving", "operates" or "operating" means physically driving or operating a motor vehicle.

2. As used in this chapter, a person is in an "intoxicated condition" when he is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

3. As used in this chapter, the term "law enforcement officer" or "arresting officer" includes the definition of law enforcement officer in subdivision (17) of section 556.061, RSMo, and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri.

4. As used in this chapter, "substance abuse traffic offender program" means a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol or drug related **boating or** traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 7 of section 577.041.

577.049. 1. Upon a plea of guilty or a finding of guilty for an offense of violating the provisions of **section 306.110, 306.111, or 306.112, RSMo, or** section 577.010 or 577.012 or violations of county or municipal ordinances involving alcohol or drug related **boating or** traffic offenses, the court shall order the person to participate in and successfully complete a substance abuse traffic offender program defined in section 577.001.

2. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolling in the program. Any person who attends the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.