

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/HCS/House Bill No. 374 & 434, Page 13, Section 477.405, Line 21,

2 by insert immediately thereafter the following:

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

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

14 3. (1) Each circuit court, which establishes such courts
15 as provided in subsection 1 of this section, shall establish
16 conditions for referral of proceedings to the veterans treatment
17 court; and

18 (2) Each circuit court shall enter into a memorandum of
19 understanding with each participating prosecuting attorney in the
20 circuit court. The memorandum of understanding shall specify a
21 list of felony offenses ineligible for referral to the veterans

1 treatment court. The memorandum of understanding may include
2 other parties considered necessary including, but not limited to,
3 defense attorneys, treatment providers, and probation officers.

4 4. (1) A circuit that has adopted a veterans treatment
5 court under this section may accept participants from any other
6 jurisdiction in this state based upon either the residence of the
7 participant in the receiving jurisdiction or the unavailability
8 of a veterans treatment court in the jurisdiction where the
9 participant is charged.

10 (2) The transfer can occur at any time during the
11 proceedings, including, but not limited to, prior to
12 adjudication. The receiving court shall have jurisdiction to
13 impose sentence, including, but not limited to, sanctions,
14 incentives, incarceration, and phase changes.

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

17 (a) The defendant or respondent;

18 (b) The attorney representing the defendant or respondent;

19 (c) The judge of the transferring court and the prosecutor
20 of the case; and

21 (d) The judge of the receiving veterans treatment court and
22 the prosecutor of the veterans treatment court.

23 (4) If the defendant is terminated from the veteran's
24 treatment court program the defendant's case shall be returned to
25 the transferring court for disposition.

26 5. The defendant in any criminal proceeding accepted by a
27 veterans treatment court for disposition shall be a nonviolent
28 person, as determined by the prosecuting attorney. Any
29 proceeding accepted by the veterans treatment court program for

1 disposition shall be upon agreement of the parties.

2 6. Except for good cause found by the court, a veterans
3 treatment court shall make a referral for substance abuse or
4 mental health treatment, or a combination of substance abuse and
5 mental health treatment, through the Department of Defense health
6 care, the Veterans Administration, or a community-based treatment
7 program. Community-based programs utilized shall receive state
8 or federal funds in connection with such referral and shall only
9 refer the individual to a program which is certified by the
10 Missouri department of mental health, unless no appropriate
11 certified treatment program is located within the same county as
12 the veterans treatment court.

13 7. Any statement made by a participant as part of
14 participation in the veterans treatment court program, or any
15 report made by the staff of the program, shall not be admissible
16 as evidence against the participant in any criminal, juvenile, or
17 civil proceeding. Notwithstanding the foregoing, termination
18 from the veterans treatment court program and the reasons for
19 termination may be considered in sentencing or disposition.

20 8. Notwithstanding any other provision of law to the
21 contrary, veterans treatment court staff shall be provided with
22 access to all records of any state or local government agency
23 relevant to the treatment of any program participant.

24 9. Upon general request, employees of all such agencies
25 shall fully inform a veterans treatment court staff of all
26 matters relevant to the treatment of the participant. All such
27 records and reports and the contents thereof shall:

28 (1) Be treated as closed records;

29 (2) Not be disclosed to any person outside of the veterans

1 treatment court;

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

4 10. Upon successful completion of the treatment program,
5 the charges, petition, or penalty against a veterans treatment
6 court participant may be dismissed, reduced, or modified. Any
7 fees received by a court from a defendant as payment for
8 substance abuse or mental health treatment programs shall not be
9 considered court costs, charges, or fines."; and

10 Further amend the title and enacting clause accordingly.