

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 118
97TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, March 28, 2013, with recommendation that the Senate Committee Substitute do pass.

0465S.06C

TERRY L. SPIELER, Secretary.

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. (1) Each circuit court, which establishes such courts as
12 provided in subsection 1 of this section, shall establish conditions for
13 referral of proceedings to the veterans treatment court; and**

**14 (2) Each circuit court shall enter into a memorandum of
15 understanding with each participating prosecuting attorney in the
16 circuit court. The memorandum of understanding shall specify a list
17 of felony offenses ineligible for referral to the veterans treatment
18 court. The memorandum of understanding may include other parties
19 considered necessary including, but not limited to, defense attorneys,
20 treatment providers, and probation officers.**

21 4. (1) A circuit that has adopted a veterans treatment court
22 under this section may accept participants from any other jurisdiction
23 in this state based upon either the residence of the participant in the
24 receiving jurisdiction or the unavailability of a veterans treatment
25 court in the jurisdiction where the participant is charged.

26 (2) The transfer can occur at any time during the proceedings,
27 including, but not limited to, prior to adjudication. The receiving court
28 shall have jurisdiction to impose sentence, including, but not limited
29 to, sanctions, incentives, incarceration, and phase changes.

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

32 (a) The defendant or respondent;

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

34 (c) The judge of the transferring court and the prosecutor of the
35 case; and

36 (d) The judge of the receiving veterans treatment court and the
37 prosecutor of the veterans treatment court.

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

41 5. The defendant in any criminal proceeding accepted by a
42 veterans treatment court for disposition shall be a nonviolent person,
43 as determined by the prosecuting attorney. Any proceeding accepted
44 by the veterans treatment court program for disposition shall be upon
45 agreement of the parties.

46 6. Except for good cause found by the court, a veterans treatment
47 court shall make a referral for substance abuse or mental health
48 treatment, or a combination of substance abuse and mental health
49 treatment, through the Department of Defense health care, the Veterans
50 Administration, or a community-based treatment program. Community-
51 based programs utilized shall receive state or federal funds in
52 connection with such referral and shall only refer the individual to a
53 program which is certified by the Missouri department of mental
54 health, unless no appropriate certified treatment program is located
55 within the same county as the veterans treatment court.

56 7. Any statement made by a participant as part of participation
57 in the veterans treatment court program, or any report made by the

58 staff of the program, shall not be admissible as evidence against the
59 participant in any criminal, juvenile, or civil proceeding. Notwithstanding
60 the foregoing, termination from the veterans treatment court program and
61 the reasons for termination may be considered in sentencing or disposition.

62 8. Notwithstanding any other provision of law to the contrary,
63 veterans treatment court staff shall be provided with access to all
64 records of any state or local government agency relevant to the
65 treatment of any program participant.

66 9. Upon general request, employees of all such agencies shall
67 fully inform a veterans treatment court staff of all matters relevant to
68 the treatment of the participant. All such records and reports and the
69 contents thereof shall:

70 (1) Be treated as closed records;

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

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

75 10. Upon successful completion of the treatment program, the
76 charges, petition, or penalty against a veterans treatment court
77 participant may be dismissed, reduced, or modified. Any fees received
78 by a court from a defendant as payment for substance abuse or mental
79 health treatment programs shall not be considered court costs, charges,
80 or fines.

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