

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 218

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLACK.

0780S.02P

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 478.001, RSMo, and to enact in lieu thereof one new section relating to treatment court divisions.

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Section A. Section 478.001, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 478.001,
3 to read as follows:

478.001. 1. For purposes of sections 478.001 to
2 478.009, the following terms shall mean:

3 (1) "Adult treatment court", a treatment court focused
4 on addressing the substance use disorder or co-occurring
5 disorder of defendants charged with a criminal offense;

6 (2) "Community-based substance use disorder treatment
7 program", an agency certified by the department of mental
8 health as a substance use disorder treatment provider;

9 (3) "Co-occurring disorder", the coexistence of both a
10 substance use disorder and a mental health disorder;

11 (4) "DWI court", a treatment court focused on
12 addressing the substance use disorder or co-occurring
13 disorder of defendants who have pleaded guilty to or been
14 found guilty of driving while intoxicated or driving with
15 excessive blood alcohol content;

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

(5) "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 determined to have a substance use disorder or co-occurring disorder that impacts the safety and well-being of the children in the family;

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

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

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

(9) **"Mental health treatment court", a treatment court focused on addressing the mental health disorder or co-occurring disorder of defendants charged with a criminal offense;**

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

[(10)] (11) "Substance use disorder", the recurrent use of alcohol or drugs that causes clinically significant

48 impairment, including health problems, disability, and
49 failure to meet major responsibilities at work, school, or
50 home;

51 [(11)] (12) "Treatment court commissioner", a person
52 appointed by a majority of the circuit and associate circuit
53 judges in a circuit to preside as the judicial officer in
54 the treatment court division;

55 [(12)] (13) "Treatment court division", a specialized,
56 nonadversarial court division with jurisdiction over cases
57 involving substance-involved offenders and making extensive
58 use of comprehensive supervision, drug or alcohol testing,
59 and treatment services. Treatment court divisions include,
60 but are not limited to, the following specialized courts:
61 adult treatment court, DWI court, family treatment court,
62 juvenile treatment court, **mental health treatment court**,
63 veterans treatment court, or any combination thereof;

64 [(13)] (14) "Treatment court team", the following
65 members who are assigned to the treatment court: the judge
66 or treatment court commissioner, treatment court
67 administrator or coordinator, prosecutor, public defender or
68 member of the criminal defense bar, a representative from
69 the division of probation and parole, a representative from
70 law enforcement, substance use disorder **or mental health**
71 **disorder** treatment providers, and any other person selected
72 by the treatment court team;

73 [(14)] (15) "Veterans treatment court", a treatment
74 court focused on substance use disorders, [co-occurring]
75 **mental health** disorders, or [mental health] **co-occurring**
76 disorders of defendants charged with a criminal offense who
77 are military veterans or current military personnel.

78 2. A treatment court division shall be established,
79 prior to August 28, 2021, by any circuit court pursuant to

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

3. An adult treatment court may be established by any circuit court **[under sections 478.001 to 478.009]** to provide an alternative for the judicial system to dispose of cases which stem from **a substance use disorder**.

4. **[Under sections 478.001 to 478.009,]** A DWI court may be established by any circuit court to provide an

111 alternative for the judicial system to dispose of cases that
112 stem from driving while intoxicated.

113 5. A family treatment court may be established by any
114 circuit court. The juvenile division of the circuit court
115 or the family court, if one is established under section
116 487.010, may refer one or more parents or other household
117 members subject to its jurisdiction to the family treatment
118 court if he or she has been determined to have a substance
119 use disorder or co-occurring disorder that impacts the
120 safety and well-being of the children in the family.

121 6. A juvenile treatment court may be established by
122 the juvenile division of any circuit court. The juvenile
123 division may refer a juvenile to the juvenile treatment
124 court if the juvenile is determined to have committed acts
125 that violate the criminal laws of the state or ordinances of
126 a municipality or county and a substance use disorder or co-
127 occurring disorder contributed to the commission of the
128 offense.

129 7. The general assembly finds and declares that it is
130 the public policy of this state to encourage and provide an
131 alternative method for the disposal of cases for military
132 veterans and current military personnel with substance use
133 disorders, mental health disorders, or co-occurring
134 disorders. In order to effectuate this public policy, a
135 veterans treatment court may be established by any circuit
136 court, or combination of circuit courts upon agreement of
137 the presiding judges of such circuit courts, to provide an
138 alternative for the judicial system to dispose of cases that
139 stem from a substance use disorder, mental health disorder,
140 or co-occurring disorder of military veterans or current
141 military personnel. A veterans treatment court shall
142 combine judicial supervision, drug or alcohol testing, and

substance use **disorder** and mental health disorder treatment to participants who have served or are currently serving the United States Armed Forces, including members of the Reserves or National Guard, with preference given to individuals who have combat service. For the purposes of this section, combat service shall be shown through military service documentation that reflects service in a combat theater, receipt of combat service medals, or receipt of imminent danger or hostile fire pay or tax benefits. Except for good cause found by the court, a veterans treatment court shall make a referral for substance use **disorder** or mental health disorder treatment, or a combination of substance use **disorder** and mental health disorder treatment, through the Department of Defense health care, the **United States Department of Veterans [Administration] Affairs**, or a community-based substance use disorder treatment program. Community-based **substance use disorder treatment** programs utilized shall receive state or federal funds in connection with such referral and shall only refer the individual to a program certified by the department of mental health, unless no appropriate certified treatment program is located within the same circuit as the veterans treatment court.

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

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