

SECOND REGULAR SESSION

SENATE BILL NO. 480

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUSSELL.

Pre-filed December 1, 1997, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

L2289.02I

AN ACT

Relating to certain public assistance benefits, with a penalty provision.

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

Section 1. 1. Any person receiving public assistance benefits pursuant to chapter 208, RSMo, is deemed to have consented to a drug test to detect the use of controlled substances. Such test may be requested by the director of the department of social services or the prosecuting attorney of the county in which the person resides or may be found. After an administrative hearing is conducted pursuant to the provisions of chapter 536, RSMo, any public assistance recipient who is found to have tested positive for the use of a controlled substance, which was not prescribed for such recipient by a licensed physician or dentist, may be:

(1) Placed on probation. Any violation of the terms of probation may cause a revocation of probation and forfeiture of public assistance benefits pursuant to subdivision (3) of this subsection;

(2) Required to attend a drug rehabilitation program; or

(3) Declared ineligible for all public assistance benefits of a period of three years from the date of the administrative hearing.

2. The director shall promulgate rules to effectuate the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 2. Any public assistance recipient who has been found guilty or who has pleaded guilty to a violation of any provision of chapter 195, RSMo, may be placed on probation as to eligibility or be declared ineligible to receive public assistance benefits pursuant to the provisions of chapter 208, RSMo, for a period of time to be determined

by the sentencing judge. Such period of probation or ineligibility shall not exceed five years and may be imposed in addition to any other remedy available pursuant to state law.

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