

SECOND REGULAR SESSION

SENATE BILL NO. 560

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIGGINS.

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

TERRY L. SPIELER, Secretary.

L2143.011

AN ACT

Relating to the treatment of drug offenders.

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

Section 1. As used in sections 1 to 4 of this act, the following terms mean:

- (1) "Board", the drug offender treatment board;**
- (2) "Program", the drug offender treatment program.**

Section 2. 1. There is hereby created the "Drug Offender Treatment Program" to be funded through the department of corrections.

2. There is hereby created the "Drug Offender Treatment Board" which shall consist of the director of the department of corrections, the director of the department of mental health and the director of the department of health.

3. The board's primary purpose shall be the receiving, control, confinement, employment, education, treatment and rehabilitation of persons remanded to the custody of the board pursuant to section 3 of this act.

4. The board may hire such staff as is necessary for the purposes of the program, including a director.

5. The board may adopt such rules as are necessary for the implementation and carrying out of the provisions of sections 1 to 4 of this act.

6. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

7. The department of corrections, the department of health and the department of mental health shall provide such assistance as the board determines is necessary for the successful operation of the program.

Section 3. 1. No first-time offender who is found guilty of or pleads guilty to a

chapter 195, RSMo, offense who is or has been addicted to narcotics or who by reason of repeated use of narcotics is in imminent danger of becoming addicted, shall be given a suspended imposition of sentence or a suspended execution of sentence without first being remanded to the custody of the board.

2. No offender in the custody of the board shall be released without a hearing by the sentencing court which shall determine, at that time, the disposition of the case, which may include remanding the offender to the custody of the board for an additional time period.

3. No offender in the custody of the board shall remain in the custody of the board more than one hundred eighty days without a hearing.

Section 4. The board may use existing facilities that are currently owned or leased by the department of corrections or the department of mental health or both which are appropriate for the program and the board may lease or purchase additional facilities as necessary.

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