

FIRST REGULAR SESSION

HOUSE BILL NO. 1024

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KORMAN.

2144L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 478.001, RSMo, and to enact in lieu thereof one new section relating to drug court commissioners in the twelfth judicial circuit.

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Section A. Section 478.001, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 478.001, to read as follows:

478.001. 1. Drug courts may be established by any circuit court pursuant to sections 478.001 to 478.006 to provide an alternative for the judicial system to dispose of cases which stem from drug use. A drug court shall combine judicial supervision, drug testing and treatment of drug court participants. Except for good cause found by the court, a drug court making a referral for substance abuse 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 drug court. Upon successful completion of the treatment program, the charges, petition or penalty against a drug court participant may be dismissed, reduced or modified. Any fees received by a court from a defendant as payment for substance treatment programs shall not be considered court costs, charges or fines.

2. Under sections 478.001 to 478.007, a DWI docket may be established by a circuit court, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010, to provide an alternative for the judicial system to dispose of cases which stem from driving while intoxicated. A drug court commissioner may serve as a commissioner in a DWI court or any other treatment or problem-solving court as designated by the drug court

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 coordinating commission. Drug court commissioners may serve in counties other than the
19 county they are appointed upon agreement by the presiding judge of [that] **the** circuit and
20 assignment by the supreme court.

21 **3. Any drug court commissioner in the twelfth judicial circuit who does not have**
22 **a full-time caseload of drug court and DWI court cases may, in addition to drug court cases**
23 **and DWI court cases, be assigned to hear any civil or criminal case that would otherwise**
24 **be assigned to an associate circuit judge in the twelfth judicial circuit.**

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