

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 410

92ND GENERAL ASSEMBLY

Reported from the Committee on Health Care Policy February 27, 2003, with recommendation that the House Committee Substitute for House Bill No. 410 Do Pass.

Taken up for Perfection March 12, 2003. House Committee Substitute for House Bill No. 410 ordered Perfected and printed.

STEPHEN S. DAVIS, Chief Clerk

1506L.02P

AN ACT

To repeal sections 191.831, 302.540, 577.049, and 577.520, RSMo, and to enact in lieu thereof four new sections relating to substance abuse traffic offender program.

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

Section A. Sections 191.831, 302.540, 577.049, and 577.520, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 191.831, 302.540, 577.049,
3 and 577.520, to read as follows:

191.831. 1. There is hereby established in the state treasury a "Health Initiatives Fund",
2 to which shall be deposited all revenues designated for the fund under subsection 8 of sections
3 149.015, RSMo, and subsection 3 of section 149.160, RSMo, and section 167.609, RSMo, and
4 all other funds donated to the fund or otherwise deposited pursuant to law. The state treasurer
5 shall administer the fund. Money in the fund shall be appropriated to provide funding for
6 implementing the new programs and initiatives established by sections 105.711 and 105.721,
7 RSMo. The moneys in the fund may further be used to fund those programs established by
8 sections 191.411, 191.520 and 191.600, sections 208.151 and 208.152, RSMo, and sections
9 103.178, RSMo, 143.999, RSMo, 167.600 to 167.621, RSMo, 188.230, RSMo, 191.211,
10 191.231, 191.825 to 191.839, RSMo, 192.013, RSMo, 208.177, 208.178, 208.179 and 208.181,
11 RSMo, 211.490, RSMo, 285.240, RSMo, 337.093, RSMo, 374.126, RSMo, 376.891 to 376.894,
12 RSMo, 431.064, RSMo, 660.016, 660.017 and 660.018, RSMo; in addition, not less than fifteen

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

13 percent of the proceeds deposited to the health initiative fund pursuant to sections 149.015 and
14 149.160, RSMo, shall be appropriated annually to provide funding for the C-STAR substance
15 abuse rehabilitation program of the department of mental health, or its successor program, and
16 a C-STAR pilot project developed by the director of the division of alcohol and drug abuse and
17 the director of the department of corrections as an alternative to incarceration, as provided in
18 subsections 2, 3, and 4 of this section. Such pilot project shall be known as the "Alt-care"
19 program. In addition, [five percent of the] **some of the** proceeds deposited to the health
20 initiatives fund pursuant to sections 149.015 and 149.160, RSMo, shall be appropriated annually
21 to the division of alcohol and drug abuse of the department of mental health to be used for [a
22 pilot project to provide access to treatment and rehabilitation services by persons referred to such
23 programs by an alcohol or drug related traffic offender education or rehabilitation program
24 pursuant to sections 302.540, RSMo, 577.049 and 577.520, RSMo] **the administration and**
25 **oversight of the substance abuse traffic offenders program defined in section 302.010,**
26 **RSMo.** The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in the
27 health initiatives fund shall not be transferred at the close of the biennium to the general revenue
28 fund.

29 2. The director of the division of alcohol and drug abuse and the director of the
30 department of corrections shall develop and administer a pilot project to provide a
31 comprehensive substance abuse treatment and rehabilitation program as an alternative to
32 incarceration, hereinafter referred to as "Alt-care". Alt-care shall be funded using money
33 provided under subsection 1 of this section through the Missouri Medicaid program, the C-STAR
34 program of the department of mental health, and the division of alcohol and drug abuse's
35 purchase-of-service system. Alt-care shall offer a flexible combination of clinical services and
36 living arrangements individually adapted to each client and her children. Alt-care shall consist
37 of the following components:

38 (1) Assessment and treatment planning;

39 (2) Community support to provide continuity, monitoring of progress and access to
40 services and resources;

41 (3) Counseling from individual to family therapy;

42 (4) Day treatment services which include accessibility seven days per week,
43 transportation to and from the Alt-care program, weekly drug testing, leisure activities, weekly
44 events for families and companions, job and education preparedness training, peer support and
45 self-help and daily living skills; and

46 (5) Living arrangement options which are permanent, substance-free and conducive to
47 treatment and recovery.

48 3. Any female who is pregnant or is the custodial parent of a child or children under the

49 age of twelve years, and who has pleaded guilty to or found guilty of violating the provisions of
50 chapter 195, RSMo, and whose controlled substance abuse was a precipitating or contributing
51 factor in the commission of the offense, and who is placed on probation may be required, as a
52 condition of probation, to participate in Alt-care, if space is available in the pilot project area.
53 Determinations of eligibility for the program, placement, and continued participation shall be
54 made by the division of alcohol and drug abuse, in consultation with the department of
55 corrections.

56 4. The availability of space in Alt-care shall be determined by the director of the division
57 of alcohol and drug abuse in conjunction with the director of the department of corrections. If
58 the sentencing court is advised that there is no space available, the court shall consider other
59 authorized dispositions.

302.540. 1. No person who has had a license to operate a motor vehicle suspended or
2 revoked under the provisions of sections 302.500 to 302.540 shall have that license reinstated
3 until such person has participated in and successfully completed a substance abuse traffic
4 offender program defined in section 302.010, or a program determined to be comparable by the
5 department **of mental health**. Assignment recommendations, based upon the needs assessment
6 as described in subdivision (22) of section 302.010, shall be delivered in writing to the person
7 with written notice that the person is entitled to have such assignment recommendations
8 reviewed by the court if the person objects to the recommendations. The person may file a
9 motion in the associate division of the circuit court of the county in which such assignment was
10 given, on a printed form provided by the state courts administrator, to have the court hear and
11 determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall name
12 the person or entity making the needs assessment as the respondent and a copy of the motion
13 shall be served upon the respondent in any manner allowed by law. Upon hearing the motion,
14 the court may modify or waive any assignment recommendation that the court determines to be
15 unwarranted based upon a review of the needs assessment, the person's driving record, the
16 circumstances surrounding the offense, and the likelihood of the person committing a like
17 offense in the future, except that the court may modify but may not waive the assignment to an
18 education or rehabilitation program of a person determined to be a prior or persistent offender
19 as defined in section 577.023, RSMo, or of a person determined to have operated a motor vehicle
20 with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance
21 with the court determination of the motion shall satisfy the provisions of this section for the
22 purpose of reinstating such person's license to operate a motor vehicle. The respondent's
23 personal appearance at any hearing conducted pursuant to this subsection shall not be necessary
24 unless directed by the court.

25 2. The fees for the program authorized in subsection 1 of this section, or a portion thereof

26 to be determined by the division of alcohol and drug abuse of the department of mental health,
27 shall be paid by the person enrolled in the program. Any person who is enrolled in the program
28 shall pay, in addition to any fee charged for the program, a supplemental fee [of sixty dollars]
29 **in an amount to be determined by the department of mental health, but not to exceed two**
30 **hundred dollars, for the purposes of funding the substance abuse traffic offender program**
31 **defined in section 302.010, or a program determined to be comparable by the department**
32 **of mental health.** The administrator of the program shall remit to the division of alcohol and
33 drug abuse of the department of mental health **on or before the fifteenth day of each month**
34 the supplemental fee for all persons enrolled in the program, less two percent for administrative
35 costs. **Interest shall be charged on any unpaid balance of the supplemental fees due the**
36 **division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not**
37 **to exceed the annual rate established pursuant to the provision of section 32.065, RSMo,**
38 **plus three percentage points.** The supplemental fees and any interest received by the
39 department of mental health pursuant to this section shall be deposited in the mental health
40 earnings fund which is created in section 630.053, RSMo.

41 **3. Any administrator who fails to remit to the division of alcohol and drug abuse**
42 **of the department of mental health the supplemental fees and interest for all persons**
43 **enrolled in the program pursuant to this section shall be subject to a penalty equal to the**
44 **amount of interest accrued on the supplemental fees due the division pursuant to this**
45 **section. If the supplemental fees, interest, and penalties are not remitted to the division of**
46 **alcohol and drug abuse of the department of mental health within six months of the due**
47 **date, the attorney general of the state of Missouri shall initiate appropriate action for the**
48 **collection of said fees and interest accrued. The court shall assess attorney fees and court**
49 **costs against any delinquent program.**

50 [3.] **4.** Court-ordered participation in a substance abuse traffic offender program,
51 pursuant to section 577.049, RSMo, shall satisfy the requirements of this section if the court
52 action arose out of the same occurrence that resulted in a person's license being administratively
53 suspended or revoked.

54 [4.] **5.** The division of alcohol and drug abuse of the department of mental health may
55 create a treatment demonstration project within existing appropriations and shall develop and
56 certify a program to provide education or rehabilitation services for individuals determined by
57 the division to be serious or repeat offenders. The program shall qualify as a substance abuse
58 traffic offender program. As used in this subsection, a "serious or repeat offender" is one who
59 was determined to have a blood alcohol content of fifteen-hundredths of one percent or more by
60 weight while operating a motor vehicle or a prior or persistent offender as defined in section
61 577.023, RSMo.

577.049. 1. Upon a plea of guilty or a finding of guilty for an offense of violating the provisions of section 577.010 or 577.012 or violations of county or municipal ordinances involving alcohol or drug related traffic offenses, the court shall order the person to participate in and successfully complete a substance abuse traffic offender program defined in section 577.001.

2. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolling in the program. Any person who [attends] **is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee [of sixty dollars] in an amount to be determined by the department of mental health, but not to exceed two hundred dollars, for the purposes of funding the substance abuse traffic offender program defined in section 577.001.** The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health **on or before the fifteenth day of each month** the supplemental fees for all persons enrolled in the program, less two percent for administrative costs. **Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provision of section 32.065, RSMo, plus three percentage points.** The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

3. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action for the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

577.520. 1. No person who has had his license suspended or revoked under the provisions of sections 577.500 and 577.505 shall have that license reinstated until he has paid a twenty-dollar reinstatement fee and has successfully completed a substance abuse traffic offender program as defined in section 577.001.

2. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall

8 pay, in addition to any fee charged for the program, a supplemental fee [of sixty dollars] in an
9 amount to be determined by the department of mental health, but not to exceed two
10 hundred dollars, for the purposes of funding the substance abuse traffic offender program
11 defined in section 302.010, RSMo, or a program determined to be comparable by the
12 department of mental health. The administrator of the program shall remit to the division of
13 alcohol and drug abuse of the department of mental health on or before the fifteenth of each
14 month the supplemental fees for all persons enrolled in the program, less two percent for
15 administrative costs. Interest shall be charged on any unpaid balance of the supplemental
16 fees due the division of alcohol and drug abuse pursuant to this section and shall accrue
17 at a rate not to exceed the annual rates established pursuant to the provision of section
18 32.065, RSMo, plus three percentage points. The supplemental fees and any interest
19 received by the department of mental health pursuant to this section shall be deposited in the
20 mental health earnings fund which is created in section 630.053, RSMo.

21 **3. Any administrator who fails to remit to the division of alcohol and drug abuse**
22 **of the department of mental health the supplemental fees and interest for all persons**
23 **enrolled in the program pursuant to this section shall be subject to a penalty equal to the**
24 **amount of interest accrued on the supplemental fees due the division pursuant to this**
25 **section. If the supplemental fees, interest, and penalties are not remitted to the division of**
26 **alcohol and drug abuse of the department of mental health within six months of the due**
27 **date, the attorney general of the state of Missouri shall initiate appropriate action for the**
28 **collection of said fees and interest accrued. The court shall assess attorney fees and court**
29 **costs against any delinquent program.**