

FIRST REGULAR SESSION

HOUSE BILL NO. 570

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE STEVENSON.

Read 1st time February 16, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0967L.011

AN ACT

To repeal section 217.362, RSMo, and to enact in lieu thereof one new section relating to an intensive long-term program for the treatment of chronic nonviolent offenders with serious substance abuse addictions.

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

Section A. Section 217.362, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 217.362, to read as follows:

217.362. 1. The department of corrections shall design and implement an intensive long-term program for the treatment of chronic nonviolent offenders with serious substance abuse addictions who have not pleaded guilty to or been convicted of a dangerous felony as defined in section 556.061, RSMo.

2. Prior to sentencing, any judge considering an offender for this program shall notify the department. The potential candidate for the program shall be screened by the department to determine eligibility. The department shall, by regulation, establish eligibility criteria and inform the court of such criteria. The department shall notify the court as to the offender's eligibility and the availability of space in the program. Notwithstanding any other provision of law to the contrary, except as provided for in section 558.019, RSMo, if an offender is eligible and there is adequate space, the court may sentence a person to the program which shall consist of institutional drug or alcohol treatment for a period of at least twelve and no more than twenty-four months, as well as a term of incarceration. The department shall determine the nature, intensity, duration, and completion criteria of the education, treatment, and aftercare portions of any program services provided. Execution of the offender's term of incarceration

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.

16 shall be suspended pending completion of said program. Allocation of space in the program may
17 be distributed by the department in proportion to drug arrest patterns in the state. If the court is
18 advised that an offender is not eligible or that there is no space available, the court shall consider
19 other authorized dispositions.

20 3. Upon successful completion of the program, the board of probation and parole shall
21 advise the sentencing court of an offender's probationary release date thirty days prior to release.
22 If the court determines that probation is not appropriate the court may order the execution of the
23 offender's **suspended** sentence.

24 4. If it is determined by the department that the offender has not successfully completed
25 the program, or that the offender is not cooperatively participating in the program, the offender
26 shall be removed from the program and the court shall be advised. Failure of an offender to
27 complete the program shall [cause the offender to serve the sentence prescribed by the court]
28 **require the execution of the offender's suspended sentence** and void the right to be considered
29 for probation on this sentence.

30 5. An offender's first incarceration in a department of corrections program pursuant to
31 this section prior to release on probation shall not be considered a previous prison commitment
32 for the purpose of determining a minimum prison term pursuant to the provisions of section
33 558.019, RSMo.