

SECOND REGULAR SESSION

HOUSE BILL NO. 2088

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY.

Read 1st time March 30, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5673L.01I

AN ACT

To repeal sections 559.630, 559.633, and 559.635, RSMo, relating to the required educational assessment and community treatment program.

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

Section A. Sections 559.630, 559.633, and 559.635, RSMo, are repealed.

[559.630. As used in sections 559.630 to 559.635, the following words and phrases mean:

(1) "Required educational assessment and community treatment program", a program certified by the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of a drug offense;

(2) "Substance abuse specialist", a person who is qualified under the regulations of the department of mental health as a qualified instructor or professional to provide services in an alcohol and drug offender education program.]

[559.633. 1. Upon a plea of guilty or a finding of guilty for a commission of a felony offense pursuant to chapter 195, RSMo, except for those offenses in which there exists a statutory prohibition against either probation or parole, when placing the person on probation, the court shall order the person to begin a required educational assessment and community treatment program within the first sixty days of probation as a condition of probation. Persons who are placed on probation after a period of incarceration pursuant to section

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.

8 559.115 may not be required to participate in a required educational assessment
9 and community treatment program.

10 2. The fees for the required educational assessment and community
11 treatment program, or a portion of such fees, to be determined by the department
12 of corrections, shall be paid by the person receiving the assessment. Any person
13 who is assessed shall pay, in addition to any fee charged for the assessment, a
14 supplemental fee of sixty dollars. The administrator of the program shall remit
15 to the department of corrections the supplemental fees for all persons assessed,
16 less two percent for administrative costs. The supplemental fees received by the
17 department of corrections pursuant to this section shall be deposited in the
18 correctional substance abuse earnings fund created pursuant to section 559.635.]
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2 [559.635. 1. There is hereby created in the state treasury a fund to be
3 known as the "Correctional Substance Abuse Earnings Fund". The state treasurer
4 shall credit to the fund any interest earned from investing the moneys in the fund.
5 Notwithstanding the provisions of section 33.080, RSMo, money in the
6 correctional substance abuse earnings fund shall not be transferred and placed to
7 the credit of general revenue at the end of the biennium.

8 2. Fees received pursuant to the required educational assessment and
9 community treatment program shall be deposited in the correctional substance
10 abuse earnings fund. The moneys received from such fees shall be appropriated
11 solely for assistance in securing alcohol and drug rehabilitation services.

12 3. The department of corrections and the department of mental health
13 shall promulgate rules and regulations to implement and administer the
14 provisions of this section. No rule or portion of a rule promulgated pursuant to
15 the authority of this section shall become effective unless it has been promulgated
pursuant to the provisions of chapter 536, RSMo.]

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