

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 73
97TH GENERAL ASSEMBLY

0445H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 478.007, RSMo, and to enact in lieu thereof two new sections relating to judicial procedures.

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

Section A. Section 478.007, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 478.007 and 304.152, to read as follows:

478.007. 1. Any 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, may establish a docket or court to provide an alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content and:

(1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent or more by weight of alcohol in such person's blood; or

(2) The person has previously pleaded guilty to or has been found guilty of one or more intoxication-related traffic offenses as defined by section 577.023; or

(3) The person has two or more previous alcohol-related enforcement contacts as defined in section 302.525.

2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol monitoring, substance abuse traffic offender program compliance, and treatment of DWI court participants. The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by a court from a defendant shall not be considered court costs, charges, or fines. This docket or court may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

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 **3. If the department of probation and parole is otherwise unavailable to assist in**
19 **the judicial supervision of any person who wishes to enter a DWI court, a court-approved**
20 **private probation service may be utilized by the DWI court to fill the department's role.**
21 **In such case, any and all necessary additional costs may be assessed against the participant.**
22 **In no case shall any person be rejected from participating in DWI court for the reason that**
23 **the person does not reside in the city or county where the applicable DWI court is located.**

304.152. 1. Notwithstanding any provision of the law to the contrary, no law
2 **enforcement agency may establish a roadside checkpoint or roadblock pattern based upon**
3 **a particular vehicle type, including the establishment of motorcycle-only checkpoints, or**
4 **compliance with any seatbelt law or ordinance.**

5 **2. Notwithstanding subsection 1 of this section, a law enforcement agency may**
6 **establish a roadside checkpoint pattern that only stops and checks commercial motor**
7 **vehicles, as defined in section 301.010.**

8 **3. The provisions of this section shall not be construed to restrict any other type of**
9 **checkpoint or roadblock which is lawful and is established and operated in accordance**
10 **with the provisions of the United States Constitution and the Constitution of Missouri.**

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