

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 118**  
**97TH GENERAL ASSEMBLY**

0465H.07C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To amend chapter 478, RSMo, by adding thereto one new section relating to veterans treatment courts.

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

Section A. Chapter 478, RSMo, is amended by adding thereto one new section, to be  
2 known as section 478.008, to read as follows:

**478.008. 1. Veterans treatment courts may be established by any circuit court, or  
2 combination of circuit courts, upon agreement of the presiding judges of such circuit courts  
3 to provide an alternative for the judicial system to dispose of cases which stem from  
4 substance abuse or mental illness of military veterans or current military personnel.**

**5 2. A veterans treatment court shall combine judicial supervision, drug testing, and  
6 substance abuse and mental health treatment to participants who have served or are  
7 currently serving the United States armed forces, including members of the reserves,  
8 national guard, or state guard.**

**9 3. (1) Each circuit court, which establishes such courts as provided in subsection  
10 1 of this section, shall establish conditions for referral of proceedings to the veterans  
11 treatment court; and**

**12 (2) Each circuit court shall enter into a memorandum of understanding with each  
13 participating prosecuting attorney in the circuit court. The memorandum of  
14 understanding shall specify a list of felony offenses ineligible for referral to the veterans  
15 treatment court. The memorandum of understanding may include other parties  
16 considered necessary including, but not limited to, defense attorneys, treatment providers,  
17 and probation officers.**

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           **4. (1) A circuit that has adopted a veterans treatment court under this section may**  
19 **accept participants from any other jurisdiction in this state based upon either the residence**  
20 **of the participant in the receiving jurisdiction or the unavailability of a veterans treatment**  
21 **court in the jurisdiction where the participant is charged.**

22           **(2) The transfer can occur at any time during the proceedings, including, but not**  
23 **limited to, prior to adjudication. The receiving court shall have jurisdiction to impose**  
24 **sentence, including, but not limited to, sanctions, incentives, incarceration, and phase**  
25 **changes.**

26           **(3) A transfer under this subsection is not valid unless it is agreed to by all of the**  
27 **following:**

28           **(a) The defendant or respondent;**

29           **(b) The attorney representing the defendant or respondent;**

30           **(c) The judge of the transferring court and the prosecutor of the case; and**

31           **(d) The judge of the receiving veterans treatment court and the prosecutor of the**  
32 **veterans treatment court.**

33           **(4) If the defendant is terminated from the veterans treatment court program the**  
34 **defendant's case shall be returned to the transferring court for disposition.**

35           **5. Any proceeding accepted by the veterans treatment court program for**  
36 **disposition shall be upon agreement of the parties.**

37           **6. Except for good cause found by the court, a veterans treatment court shall make**  
38 **a referral for substance abuse or mental health treatment, or a combination of substance**  
39 **abuse and mental health treatment, through the Department of Defense health care, the**  
40 **Veterans Administration, or a community-based treatment program. Community-based**  
41 **programs utilized shall receive state or federal funds in connection with such referral and**  
42 **shall only refer the individual to a program which is certified by the Missouri department**  
43 **of mental health, unless no appropriate certified treatment program is located within the**  
44 **same county as the veterans treatment court.**

45           **7. Any statement made by a participant as part of participation in the veterans**  
46 **treatment court program, or any report made by the staff of the program, shall not be**  
47 **admissible as evidence against the participant in any criminal, juvenile, or civil proceeding.**  
48 **Notwithstanding the foregoing, termination from the veterans treatment court program**  
49 **and the reasons for termination may be considered in sentencing or disposition.**

50           **8. Notwithstanding any other provision of law to the contrary, veterans treatment**  
51 **court staff shall be provided with access to all records of any state or local government**  
52 **agency relevant to the treatment of any program participant.**

53           **9. Upon general request, employees of all such agencies shall fully inform a veterans**  
54 **treatment court staff of all matters relevant to the treatment of the participant. All such**  
55 **records and reports and the contents thereof shall:**

56           **(1) Be treated as closed records;**

57           **(2) Not be disclosed to any person outside of the veterans treatment court;**

58           **(3) Be maintained by the court in a confidential file not available to the public.**

59           **10. Upon successful completion of the treatment program, the charges, petition, or**  
60 **penalty against a veterans treatment court participant may be dismissed, reduced, or**  
61 **modified. Any fees received by a court from a defendant as payment for substance abuse**  
62 **or mental health treatment programs shall not be considered court costs, charges, or fines.**

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