

SECOND REGULAR SESSION

# HOUSE BILL NO. 2562

## 99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE AUSTIN.

6484H.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To repeal sections 208.151, 217.703, 478.001, 478.003, 478.004, 478.005, 478.006, 478.007, 478.008, 478.009, 478.466, 478.550, 478.551, 478.600, 478.716, 488.2230, 488.5358, and 577.001, RSMo, and to enact in lieu thereof fifteen new sections relating to treatment courts.

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

Section A. Sections 208.151, 217.703, 478.001, 478.003, 478.004, 478.005, 478.006, 2 478.007, 478.008, 478.009, 478.466, 478.550, 478.551, 478.600, 478.716, 488.2230, 488.5358, 3 and 577.001, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known 4 as sections 208.151, 217.703, 478.001, 478.003, 478.004, 478.005, 478.007, 478.009, 478.466, 5 478.550, 478.600, 478.716, 488.2230, 488.5358, and 577.001, to read as follows:

208.151. 1. Medical assistance on behalf of needy persons shall be known as "MO 2 HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, 3 Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, 4 et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet 5 benefits to the extent and in the manner hereinafter provided:

6 (1) All participants receiving state supplemental payments for the aged, blind and 7 disabled;

8 (2) All participants receiving aid to families with dependent children benefits, including 9 all persons under nineteen years of age who would be classified as dependent children except for 10 the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible 11 under this subdivision who are participating in **[drug]** treatment court, as defined in section 12 478.001, shall have their eligibility automatically extended sixty days from the time their

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.

13 dependent child is removed from the custody of the participant, subject to approval of the  
14 Centers for Medicare and Medicaid Services;

15 (3) All participants receiving blind pension benefits;

16 (4) All persons who would be determined to be eligible for old age assistance benefits,  
17 permanent and total disability benefits, or aid to the blind benefits under the eligibility standards  
18 in effect December 31, 1973, or less restrictive standards as established by rule of the family  
19 support division, who are sixty-five years of age or over and are patients in state institutions for  
20 mental diseases or tuberculosis;

21 (5) All persons under the age of twenty-one years who would be eligible for aid to  
22 families with dependent children except for the requirements of subdivision (2) of subsection 1  
23 of section 208.040, and who are residing in an intermediate care facility, or receiving active  
24 treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as  
25 amended;

26 (6) All persons under the age of twenty-one years who would be eligible for aid to  
27 families with dependent children benefits except for the requirement of deprivation of parental  
28 support as provided for in subdivision (2) of subsection 1 of section 208.040;

29 (7) All persons eligible to receive nursing care benefits;

30 (8) All participants receiving family foster home or nonprofit private child-care  
31 institution care, subsidized adoption benefits and parental school care wherein state funds are  
32 used as partial or full payment for such care;

33 (9) All persons who were participants receiving old age assistance benefits, aid to the  
34 permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who  
35 continue to meet the eligibility requirements, except income, for these assistance categories, but  
36 who are no longer receiving such benefits because of the implementation of Title XVI of the  
37 federal Social Security Act, as amended;

38 (10) Pregnant women who meet the requirements for aid to families with dependent  
39 children, except for the existence of a dependent child in the home;

40 (11) Pregnant women who meet the requirements for aid to families with dependent  
41 children, except for the existence of a dependent child who is deprived of parental support as  
42 provided for in subdivision (2) of subsection 1 of section 208.040;

43 (12) Pregnant women or infants under one year of age, or both, whose family income  
44 does not exceed an income eligibility standard equal to one hundred eighty-five percent of the  
45 federal poverty level as established and amended by the federal Department of Health and  
46 Human Services, or its successor agency;

47 (13) Children who have attained one year of age but have not attained six years of age  
48 who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget

49 Reconciliation Act of 1989). The family support division shall use an income eligibility standard  
50 equal to one hundred thirty-three percent of the federal poverty level established by the  
51 Department of Health and Human Services, or its successor agency;

52 (14) Children who have attained six years of age but have not attained nineteen years of  
53 age. For children who have attained six years of age but have not attained nineteen years of age,  
54 the family support division shall use an income assessment methodology which provides for  
55 eligibility when family income is equal to or less than equal to one hundred percent of the federal  
56 poverty level established by the Department of Health and Human Services, or its successor  
57 agency. As necessary to provide MO HealthNet coverage under this subdivision, the department  
58 of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C.  
59 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained  
60 nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using  
61 a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r)  
62 of 42 U.S.C. 1396a;

63 (15) The family support division shall not establish a resource eligibility standard in  
64 assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO  
65 HealthNet division shall define the amount and scope of benefits which are available to  
66 individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in  
67 accordance with the requirements of federal law and regulations promulgated thereunder;

68 (16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal  
69 care shall be made available to pregnant women during a period of presumptive eligibility  
70 pursuant to 42 U.S.C. Section 1396r-1, as amended;

71 (17) A child born to a woman eligible for and receiving MO HealthNet benefits under  
72 this section on the date of the child's birth shall be deemed to have applied for MO HealthNet  
73 benefits and to have been found eligible for such assistance under such plan on the date of such  
74 birth and to remain eligible for such assistance for a period of time determined in accordance  
75 with applicable federal and state law and regulations so long as the child is a member of the  
76 woman's household and either the woman remains eligible for such assistance or for children  
77 born on or after January 1, 1991, the woman would remain eligible for such assistance if she  
78 were still pregnant. Upon notification of such child's birth, the family support division shall  
79 assign a MO HealthNet eligibility identification number to the child so that claims may be  
80 submitted and paid under such child's identification number;

81 (18) Pregnant women and children eligible for MO HealthNet benefits pursuant to  
82 subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO  
83 HealthNet benefits be required to apply for aid to families with dependent children. The family  
84 support division shall utilize an application for eligibility for such persons which eliminates

85 information requirements other than those necessary to apply for MO HealthNet benefits. The  
86 division shall provide such application forms to applicants whose preliminary income  
87 information indicates that they are ineligible for aid to families with dependent children.  
88 Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection  
89 shall be informed of the aid to families with dependent children program and that they are  
90 entitled to apply for such benefits. Any forms utilized by the family support division for  
91 assessing eligibility under this chapter shall be as simple as practicable;

92 (19) Subject to appropriations necessary to recruit and train such staff, the family support  
93 division shall provide one or more full-time, permanent eligibility specialists to process  
94 applications for MO HealthNet benefits at the site of a health care provider, if the health care  
95 provider requests the placement of such eligibility specialists and reimburses the division for the  
96 expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and  
97 equipment of such eligibility specialists. The division may provide a health care provider with  
98 a part-time or temporary eligibility specialist at the site of a health care provider if the health care  
99 provider requests the placement of such an eligibility specialist and reimburses the division for  
100 the expenses, including but not limited to the salary, benefits, travel, training, telephone,  
101 supplies, and equipment, of such an eligibility specialist. The division may seek to employ such  
102 eligibility specialists who are otherwise qualified for such positions and who are current or  
103 former welfare participants. The division may consider training such current or former welfare  
104 participants as eligibility specialists for this program;

105 (20) Pregnant women who are eligible for, have applied for and have received MO  
106 HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to  
107 be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided  
108 under section 208.152 until the end of the sixty-day period beginning on the last day of their  
109 pregnancy;

110 (21) Case management services for pregnant women and young children at risk shall be  
111 a covered service. To the greatest extent possible, and in compliance with federal law and  
112 regulations, the department of health and senior services shall provide case management services  
113 to pregnant women by contract or agreement with the department of social services through local  
114 health departments organized under the provisions of chapter 192 or chapter 205 or a city health  
115 department operated under a city charter or a combined city-county health department or other  
116 department of health and senior services designees. To the greatest extent possible the  
117 department of social services and the department of health and senior services shall mutually  
118 coordinate all services for pregnant women and children with the crippled children's program,  
119 the prevention of intellectual disability and developmental disability program and the prenatal  
120 care program administered by the department of health and senior services. The department of

121 social services shall by regulation establish the methodology for reimbursement for case  
122 management services provided by the department of health and senior services. For purposes  
123 of this section, the term "case management" shall mean those activities of local public health  
124 personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in  
125 the state's MO HealthNet program, refer them to local physicians or local health departments  
126 who provide prenatal care under physician protocol and who participate in the MO HealthNet  
127 program for prenatal care and to ensure that said high-risk mothers receive support from all  
128 private and public programs for which they are eligible and shall not include involvement in any  
129 MO HealthNet prepaid, case-managed programs;

130 (22) By January 1, 1988, the department of social services and the department of health  
131 and senior services shall study all significant aspects of presumptive eligibility for pregnant  
132 women and submit a joint report on the subject, including projected costs and the time needed  
133 for implementation, to the general assembly. The department of social services, at the direction  
134 of the general assembly, may implement presumptive eligibility by regulation promulgated  
135 pursuant to chapter 207;

136 (23) All participants who would be eligible for aid to families with dependent children  
137 benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

138 (24) (a) All persons who would be determined to be eligible for old age assistance  
139 benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C.  
140 Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan  
141 as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income  
142 methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the  
143 income limit if authorized by annual appropriation;

144 (b) All persons who would be determined to be eligible for aid to the blind benefits  
145 under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section  
146 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of  
147 January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C.  
148 Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal  
149 poverty level;

150 (c) All persons who would be determined to be eligible for permanent and total disability  
151 benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C.  
152 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of  
153 January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as  
154 authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if  
155 authorized by annual appropriations. Eligibility standards for permanent and total disability  
156 benefits shall not be limited by age;

157 (25) Persons who have been diagnosed with breast or cervical cancer and who are  
158 eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be  
159 eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1;

160 (26) Effective August 28, 2013, persons who are in foster care under the responsibility  
161 of the state of Missouri on the date such persons attain the age of eighteen years, or at any time  
162 during the thirty-day period preceding their eighteenth birthday, without regard to income or  
163 assets, if such persons:

164 (a) Are under twenty-six years of age;

165 (b) Are not eligible for coverage under another mandatory coverage group; and

166 (c) Were covered by Medicaid while they were in foster care.

167 2. Rules and regulations to implement this section shall be promulgated in accordance  
168 with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that  
169 is created under the authority delegated in this section shall become effective only if it complies  
170 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
171 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
172 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and  
173 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
174 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

175 3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance  
176 pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the last six months  
177 immediately preceding the month in which such family became ineligible for such assistance  
178 because of increased income from employment shall, while a member of such family is  
179 employed, remain eligible for MO HealthNet benefits for four calendar months following the  
180 month in which such family would otherwise be determined to be ineligible for such assistance  
181 because of income and resource limitation. After April 1, 1990, any family receiving aid  
182 pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the six months immediately  
183 preceding the month in which such family becomes ineligible for such aid, because of hours of  
184 employment or income from employment of the caretaker relative, shall remain eligible for MO  
185 HealthNet benefits for six calendar months following the month of such ineligibility as long as  
186 such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received  
187 such medical assistance during the entire six-month period described in this section and which  
188 meets reporting requirements and income tests established by the division and continues to  
189 include a child as provided in 42 U.S.C. 1396r-6 shall receive MO HealthNet benefits without  
190 fee for an additional six months. The MO HealthNet division may provide by rule and as  
191 authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such  
192 families.

193           4. When any individual has been determined to be eligible for MO HealthNet benefits,  
194 such medical assistance will be made available to him or her for care and services furnished in  
195 or after the third month before the month in which he made application for such assistance if  
196 such individual was, or upon application would have been, eligible for such assistance at the time  
197 such care and services were furnished; provided, further, that such medical expenses remain  
198 unpaid.

199           5. The department of social services may apply to the federal Department of Health and  
200 Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration  
201 waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars  
202 in additional costs to the state, unless subject to appropriation or directed by statute, but in no  
203 event shall such waiver applications or amendments seek to waive the services of a rural health  
204 clinic or a federally qualified health center as defined in 42 U.S.C. 1396d(l)(1) and (2) or the  
205 payment requirements for such clinics and centers as provided in 42 U.S.C. 1396a(a)(15) and  
206 1396a(bb) unless such waiver application is approved by the oversight committee created in  
207 section 208.955. A request for such a waiver so submitted shall only become effective by  
208 executive order not sooner than ninety days after the final adjournment of the session of the  
209 general assembly to which it is submitted, unless it is disapproved within sixty days of its  
210 submission to a regular session by a senate or house resolution adopted by a majority vote of the  
211 respective elected members thereof, unless the request for such a waiver is made subject to  
212 appropriation or directed by statute.

213           6. Notwithstanding any other provision of law to the contrary, in any given fiscal year,  
214 any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of  
215 subsection 1 of this section shall only be eligible if annual appropriations are made for such  
216 eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section  
217 1396a(a)(10)(A)(i).

217.703. 1. The division of probation and parole shall award earned compliance credits  
2 to any offender who is:

3           (1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise  
4 found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;

5           (2) On probation, parole, or conditional release for an offense listed in chapter 579, or  
6 an offense previously listed in chapter 195, or for a class D or E felony, excluding the offenses  
7 of stalking in the first degree, rape in the second degree, sexual assault, sodomy in the second  
8 degree, deviate sexual assault, assault in the second degree under subdivision (2) of subsection  
9 1 of section 565.052, sexual misconduct involving a child, endangering the welfare of a child in  
10 the first degree under subdivision (2) of subsection 1 of section 568.045, incest, invasion of  
11 privacy, abuse of a child, and any offense of aggravated stalking or assault in the second degree

12 under subdivision (2) of subsection 1 of section 565.060 as such offenses existed prior to January  
13 1, 2017;

14 (3) Supervised by the board; and

15 (4) In compliance with the conditions of supervision imposed by the sentencing court  
16 or board.

17 2. If an offender was placed on probation, parole, or conditional release for an offense  
18 of:

19 (1) Involuntary manslaughter in the second degree;

20 (2) Assault in the second degree except under subdivision (2) of subsection 1 of section  
21 565.052 or section 565.060 as it existed prior to January 1, 2017;

22 (3) Domestic assault in the second degree;

23 (4) Assault in the third degree when the victim is a special victim or assault of a law  
24 enforcement officer in the second degree as it existed prior to January 1, 2017;

25 (5) Statutory rape in the second degree;

26 (6) Statutory sodomy in the second degree;

27 (7) Endangering the welfare of a child in the first degree under subdivision (1) of  
28 subsection 1 of section 568.045; or

29 (8) Any case in which the defendant is found guilty of a felony offense under chapter  
30 571;

31

32 the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney,  
33 make a finding that the offender is ineligible to earn compliance credits because the nature and  
34 circumstances of the offense or the history and character of the offender indicate that a longer  
35 term of probation, parole, or conditional release is necessary for the protection of the public or  
36 the guidance of the offender. The motion may be made any time prior to the first month in which  
37 the person may earn compliance credits under this section. The offender's ability to earn credits  
38 shall be suspended until the court or board makes its finding. If the court or board finds that the  
39 offender is eligible for earned compliance credits, the credits shall begin to accrue on the first  
40 day of the next calendar month following the issuance of the decision.

41 3. Earned compliance credits shall reduce the term of probation, parole, or conditional  
42 release by thirty days for each full calendar month of compliance with the terms of supervision.  
43 Credits shall begin to accrue for eligible offenders after the first full calendar month of  
44 supervision or on October 1, 2012, if the offender began a term of probation, parole, or  
45 conditional release before September 1, 2012.

46 4. For the purposes of this section, the term "compliance" shall mean the absence of an  
47 initial violation report submitted by a probation or parole officer during a calendar month, or a



48 motion to revoke or motion to suspend filed by a prosecuting or circuit attorney, against the  
49 offender.

50           5. Credits shall not accrue during any calendar month in which a violation report has  
51 been submitted or a motion to revoke or motion to suspend has been filed, and shall be  
52 suspended pending the outcome of a hearing, if a hearing is held. If no hearing is held or the  
53 court or board finds that the violation did not occur, then the offender shall be deemed to be in  
54 compliance and shall begin earning credits on the first day of the next calendar month following  
55 the month in which the report was submitted or the motion was filed. All earned credits shall  
56 be rescinded if the court or board revokes the probation or parole or the court places the offender  
57 in a department program under subsection 4 of section 559.036. Earned credits shall continue  
58 to be suspended for a period of time during which the court or board has suspended the term of  
59 probation, parole, or release, and shall begin to accrue on the first day of the next calendar month  
60 following the lifting of the suspension.

61           6. Offenders who are deemed by the division to be absconders shall not earn credits. For  
62 purposes of this subsection, "absconder" shall mean an offender under supervision who has left  
63 such offender's place of residency without the permission of the offender's supervising officer  
64 for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder  
65 when such offender is available for active supervision.

66           7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the combination  
67 of time served in custody, if applicable, time served on probation, parole, or conditional release,  
68 and earned compliance credits satisfy the total term of probation, parole, or conditional release,  
69 the board or sentencing court shall order final discharge of the offender, so long as the offender  
70 has completed at least two years of his or her probation or parole, which shall include any time  
71 served in custody under section 217.718 and sections 559.036 and 559.115.

72           8. The award or rescission of any credits earned under this section shall not be subject  
73 to appeal or any motion for postconviction relief.

74           9. At least twice a year, the division shall calculate the number of months the offender  
75 has remaining on his or her term of probation, parole, or conditional release, taking into  
76 consideration any earned compliance credits, and notify the offender of the length of the  
77 remaining term.

78           10. No less than sixty days before the date of final discharge, the division shall notify  
79 the sentencing court, the board, and, for probation cases, the circuit or prosecuting attorney of  
80 the impending discharge. If the sentencing court, the board, or the circuit or prosecuting attorney  
81 upon receiving such notice does not take any action under subsection 5 of this section, the  
82 offender shall be discharged under subsection 7 of this section.

83 11. Any offender who was sentenced prior to January 1, 2017, to an offense that was  
84 eligible for earned compliance credits under subsection 1 or 2 of this section at the time of  
85 sentencing shall continue to remain eligible for earned compliance credits so long as the offender  
86 meets all the other requirements provided under this section.

87 **12. The application of earned compliance credits shall be suspended upon entry**  
88 **into a treatment court, as defined in sections 478.001 to 478.009, and shall remain**  
89 **suspended until the offender is discharged from such treatment court. Upon successful**  
90 **completion of treatment court, all earned compliance credits accumulated during the**  
91 **suspension period shall be retroactively applied, so long as the other terms and conditions**  
92 **of probation have been successfully completed.**

478.001. 1. For purposes of sections 478.001 to 478.009, the following terms mean:

2 (1) "Adult treatment court", a treatment court focused on addressing the substance  
3 use disorder or co-occurring disorder of defendants charged with a criminal offense;

4 (2) "Community-based substance use disorder treatment program", an agency  
5 certified by the department of mental health as a substance use disorder treatment  
6 provider;

7 (3) "Co-occurring disorder", the coexistence of both a substance use disorder and  
8 a mental health disorder;

9 (4) "DWI court", a treatment court focused on addressing the substance use  
10 disorder or co-occurring disorder of defendants who have pleaded guilty or been found  
11 guilty of driving while intoxicated or driving with an excessive blood alcohol content;

12 (5) "Family treatment court", a treatment court focused on addressing a substance  
13 use disorder or co-occurring disorder existing in families in the juvenile court, family  
14 court, or criminal court in which a parent or other household member has been  
15 determined to have a substance use disorder or co-occurring disorder that impacts the  
16 safety and well-being of the children in the family;

17 (6) "Juvenile treatment court", a treatment court focused on addressing the  
18 substance use disorder or co-occurring disorder of juveniles in the juvenile court;

19 (7) "Medication-assisted treatment", the use of pharmacological medications, in  
20 combination with counseling and behavioral therapies, to provide a whole-patient  
21 approach to the treatment of substance use disorders;

22 (8) "Mental health disorder", any organic, mental, or emotional impairment which  
23 has substantial adverse effects on a person's cognitive, volitional, or emotional function and  
24 which constitutes a substantial impairment in a person's ability to participate in activities  
25 of normal living;

26 (9) "Risk and needs assessment", an actuarial tool, approved by the treatment  
27 court coordinating commission and validated on a targeted population of drug-involved  
28 adult offenders, scientifically proven to determine a person's risk to recidivate and to  
29 identify criminal risk factors that, when properly addressed, can reduce that person's  
30 likelihood of committing future criminal behavior;

31 (10) "Substance use disorder", when an individual experiences the recurrent use  
32 of alcohol or drugs which causes clinically significant impairment, including health  
33 problems, disability, and failure to meet major responsibilities at work, school, or home;

34 (11) "Treatment court commissioner", a person appointed by a majority of the  
35 circuit and associate circuit judges in a circuit to preside as the judicial officer in the  
36 treatment court division;

37 (12) "Treatment court division", a specialized, nonadversarial court division with  
38 jurisdiction over cases involving substance-involved offenders and making extensive use  
39 of comprehensive supervision, drug or alcohol testing, and treatment services. Treatment  
40 court divisions include, but are not limited to, the following specialized courts: adult  
41 treatment court, DWI court, family treatment court, juvenile treatment court, veterans  
42 treatment court, or any combination thereof;

43 (13) "Treatment court team", consists of the following members who are assigned  
44 to the treatment court: the judge or treatment court commissioner, treatment court  
45 administrator or coordinator, the prosecutor, the public defender or member of the  
46 criminal defense bar, a representative from the department of probation and parole, a  
47 representative from law enforcement, substance use disorder treatment providers, and any  
48 other person selected by the treatment court team;

49 (14) "Veterans treatment court", a treatment court focused on the substance use  
50 disorder, co-occurring disorder, or mental health disorder of defendants charged with a  
51 criminal offense who are military veterans or current military personnel.

52 2. [~~Drug courts~~] A treatment court division may be established by [~~any~~] each circuit  
53 court pursuant to sections 478.001 to [~~478.006~~] 478.009 to provide an alternative for the judicial  
54 system to dispose of cases which stem from [~~drug~~] or are otherwise impacted by substance  
55 use. The treatment court division shall include, but not be limited to, cases assigned to an  
56 adult treatment court, DWI court, family treatment court, juvenile treatment court,  
57 veterans treatment court, or any combination thereof. A [~~drug~~] treatment court shall  
58 combine judicial supervision, drug or alcohol testing and treatment of [~~drug court~~] participants.  
59 Except for good cause found by the court, a [~~drug~~] treatment court making a referral for  
60 substance [~~abuse~~] use disorder treatment, when such program will receive state or federal funds  
61 in connection with such referral, shall refer the person only to a program which is certified by

62 the department of mental health, unless no appropriate certified treatment program is located  
63 within the same county as the ~~[drug]~~ **treatment** court. Upon successful completion of the  
64 treatment **court** program, the charges, petition, or penalty against a ~~[drug]~~ **treatment** court  
65 participant may be dismissed, reduced, or modified, **unless otherwise stated**. Any fees received  
66 by a court from a defendant as payment for substance treatment programs shall not be considered  
67 court costs, charges or fines.

68 **3. An adult treatment court may be established by any circuit court under sections**  
69 **478.001 to 478.009 to provide an alternative for the judicial system to dispose of cases**  
70 **which stem from substance use.**

71 ~~[2-]~~ **4.** Under sections 478.001 to ~~[478.007]~~ **478.009**, a DWI ~~[docket]~~ **court** may be  
72 established by a circuit court~~], or any county with a charter form of government and with more~~  
73 ~~than six hundred thousand but fewer than seven hundred thousand inhabitants with a county~~  
74 ~~municipal court established under section 66.010,]~~ to provide an alternative for the judicial  
75 system to dispose of cases which stem from driving while intoxicated. ~~[A drug court~~  
76 ~~commissioner may serve as a commissioner in a DWI court or any other treatment or~~  
77 ~~problem-solving court as designated by the drug court coordinating commission. Drug court~~  
78 ~~commissioners may serve in counties other than the county they are appointed upon agreement~~  
79 ~~by the presiding judge of that circuit and assignment by the supreme court.]~~

80 **5. A family treatment court within the treatment court division may be established**  
81 **by a circuit court. The juvenile division of the circuit court or the family court, if one is**  
82 **established under section 487.010, may refer one or more parents or other household**  
83 **members subject to its jurisdiction to the family treatment court when he or she has been**  
84 **determined to have a substance use disorder or co-occurring disorder which impacts the**  
85 **safety and well-being of the children in the family.**

86 **6. A juvenile treatment court within the treatment court division may be**  
87 **established by the juvenile division of any circuit court. The juvenile division may refer**  
88 **juveniles to the juvenile treatment court when the juvenile is determined to have committed**  
89 **acts that violate the criminal laws of the state or ordinances of the municipalities of the**  
90 **county and a substance use disorder or co-occurring disorder contributed to the**  
91 **commission of the offense.**

92 **7. A veterans treatment court may be established by any circuit court, or**  
93 **combination of circuit courts, upon agreement of the presiding judges of such circuit courts**  
94 **to provide an alternative for the judicial system to dispose of cases which stem from**  
95 **substance use or a mental health disorder of military veterans or current military**  
96 **personnel. A veterans treatment court shall combine judicial supervision, drug or alcohol**  
97 **testing, and substance use and mental health treatment to participants who have served or**

98 are currently serving the United States Armed Forces, including members of the Reserves,  
99 National Guard, or state guard. Except for good cause found by the court, a veterans  
100 treatment court shall make a referral for substance use or mental health treatment, or a  
101 combination of substance use and mental health treatment, through the Department of  
102 Defense health care, the Veterans Administration, or a community-based substance use  
103 disorder treatment program. Community-based programs utilized shall receive state or  
104 federal funds in connection with such referral and shall only refer the individual to a  
105 program which is certified by the department of mental health, unless no appropriate  
106 certified treatment program is located within the same county as the veterans treatment  
107 court.

478.003. 1. In any judicial circuit of this state, a majority of the judges of the circuit  
2 court may designate a judge to hear cases arising in the circuit subject to the provisions of  
3 sections 478.001 to ~~[478.007]~~ **478.009**. In lieu thereof and subject to appropriations or other  
4 funds available for such purpose, a majority of the judges of the circuit court may appoint a  
5 person or persons to act as ~~[drug]~~ **treatment** court commissioners. Each commissioner shall be  
6 appointed for a term of four years, but may be removed at any time by a majority of the judges  
7 of the circuit court. The qualifications ~~[and]~~ , compensation, **and retirement benefits** of the  
8 commissioner shall be the same as that of an associate circuit judge. If the compensation of a  
9 commissioner appointed pursuant to this section is provided from other than state funds, the  
10 source of such fund shall pay to and reimburse the state for the actual costs of the salary and  
11 benefits of the commissioner. The commissioner shall have all the powers and duties of a circuit  
12 judge, except that any order, judgment or decree of the commissioner shall be confirmed or  
13 rejected by an associate circuit or circuit judge by order of record entered within the time the  
14 judge could set aside such order, judgment or decree had the same been made by the judge. If  
15 so confirmed, the order, judgment or decree shall have the same effect as if made by the judge  
16 on the date of its confirmation.

17 **2. The supreme court may assign a treatment court commissioner to serve in the**  
18 **treatment court division of a circuit other than the circuit in which the commissioner is**  
19 **appointed. The transfer shall only be ordered with the consent and approval of the**  
20 **presiding circuit judge of the circuit to which the commissioner is to be assigned.**

21 **3. A treatment court commissioner may serve as a commissioner in any treatment**  
22 **or problem-solving court as designated by the treatment court coordinating commission,**  
23 **subject to local court rules.**

478.004. 1. ~~[As used in this section, “medication-assisted treatment” means the use of~~  
2 ~~pharmacological medications, in combination with counseling and behavioral therapies, to~~  
3 ~~provide a whole patient approach to the treatment of substance use disorders.] **The treatment**~~

4 **court team shall, when practicable, conduct a staffing prior to each treatment court session**  
5 **to discuss and provide updated information regarding the treatment court participant.**  
6 **After determining his or her progress or lack thereof, the treatment court team shall**  
7 **consider the appropriate incentive or sanction to be applied, and the court shall make the**  
8 **final decision based on information presented in the staffing.**

9       **2. In any criminal case in the circuit, if it is determined that the defendant meets**  
10 **the criteria for eligibility in the treatment court, the judge presiding over the criminal case**  
11 **may order the defendant to the treatment court division for treatment:**

12           **(1) Prior to the entry of the sentence, excluding suspended imposition of sentence**  
13 **(SIS), if the prosecuting attorney consents;**

14           **(2) As a condition of probation; or**

15           **(3) Upon consideration of a motion to revoke probation.**

16       **3. A circuit that has established a treatment court division under this chapter may**  
17 **accept participants from any other jurisdiction in this state based upon either the residence**  
18 **of the participant in the receiving jurisdiction or the unavailability of a treatment court in**  
19 **the transferring jurisdiction. The transfer may occur at any time during the proceedings**  
20 **including, but not limited to, prior to adjudication and during periods of probation from**  
21 **criminal cases. The receiving court shall have jurisdiction to impose a sentence, including,**  
22 **but not limited to, sanctions, incentives, incarceration, and phase changes. A transfer**  
23 **under this subsection is not valid unless it is agreed to by all of the following:**

24           **(1) The parties to the action;**

25           **(2) The judge or commissioner of the transferring court; and**

26           **(3) The judge or commissioner of the receiving treatment court.**

27

28 **If the party assigned to treatment court is terminated from the treatment court, the case**  
29 **shall be returned to the transferring court for disposition.**

30       **4. If a ~~[drug]~~ treatment court ~~[or veterans court]~~**

31 **participant requires treatment for opioid or other substance misuse or dependence, a ~~[drug]~~**  
32 **treatment court ~~[or veterans court]~~ shall not prohibit such participant from participating in and**  
33 **receiving medication-assisted treatment under the care of a physician licensed in this state to**  
34 **practice medicine. A ~~[drug]~~ treatment court ~~[or veterans court]~~ participant shall not be required**  
35 **to refrain from using medication-assisted treatment as a term or condition of successful**  
36 **completion of the ~~[drug]~~ treatment court program.**

37       **~~[3-] 5. A ~~[drug]~~ treatment court ~~[or veterans court]~~ participant assigned to a treatment~~**  
38 **program for opioid or other substance misuse or dependence shall not be in violation of the terms**  
39 **or conditions of the ~~[drug]~~ treatment court ~~[or veterans court]~~ on the basis of his or her**

40 participation in medication-assisted treatment under the care of a physician licensed in this state  
41 to practice medicine.

478.005. 1. Each circuit court shall establish conditions for referral of proceedings to  
2 the ~~[drug]~~ **treatment court division**. ~~[The defendant in any criminal proceeding accepted by a~~  
3 ~~drug court for disposition shall be a nonviolent person, as determined by the prosecuting~~  
4 ~~attorney. Any proceeding accepted by the drug court program for disposition shall be upon~~  
5 ~~agreement of the parties.]~~ **Each treatment court within a treatment court division shall**  
6 **establish criteria upon which a person is deemed eligible for that specific treatment court**  
7 **and for determining successful completion of the treatment court program.**

8 2. Any statement made by a participant as part of participation in the ~~[drug]~~ **treatment**  
9 **court program**, or any report made by the staff of the program, shall not be admissible as  
10 evidence against the participant in any criminal, juvenile or civil proceeding. Notwithstanding  
11 the foregoing, termination from the ~~[drug]~~ **treatment court program** and the reasons for  
12 termination may be considered in sentencing or disposition.

13 3. Notwithstanding any other provision of law to the contrary, ~~[drug]~~ **treatment court**  
14 **staff** shall be provided with access to all records of any state or local government agency relevant  
15 to the treatment of any program participant. Upon general request, employees of all such  
16 agencies shall fully inform ~~[a drug]~~ **treatment court staff** of all matters relevant to the treatment  
17 of the participant. All such records and reports and the contents thereof shall be treated as closed  
18 records and shall not be disclosed to any person outside of the ~~[drug]~~ **treatment court**, and shall  
19 be maintained by the court in a confidential file not available to the public.

478.007. 1. Any circuit court~~[, or any county with a charter form of government and~~  
2 ~~with more than six hundred thousand but fewer than seven hundred thousand inhabitants with~~  
3 ~~a county municipal court established under section 66.010,]~~ may establish a docket or court  
4 **within the treatment court division** to provide an alternative for the judicial system to dispose  
5 of cases in which a person has pleaded guilty to driving while intoxicated or driving with  
6 excessive blood alcohol content and:

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

9 (2) The person has previously pleaded guilty to or has been found guilty of one or more  
10 intoxication-related traffic offenses as defined by ~~[section 577.023]~~ **sections 577.001 and**  
11 **577.010**; or

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

14 2. This docket or court shall combine judicial supervision, drug **or alcohol** testing,  
15 continuous alcohol monitoring, or verifiable breath alcohol testing ~~[performed a minimum of~~

16 ~~four times per day~~], substance abuse traffic offender program compliance, and treatment of DWI  
17 court participants. The court may assess any and all necessary costs for participation in DWI  
18 court against the participant. Any money received from such assessed costs by a court from a  
19 defendant shall not be considered court costs, charges, or fines. This docket or court ~~may~~ **shall**  
20 operate in conjunction with a ~~drug~~ **treatment** court established pursuant to sections 478.001  
21 to ~~[478.006]~~ **478.009**.

22 3. If the division of probation and parole is otherwise unavailable to assist in the judicial  
23 supervision of any person who wishes to enter a DWI court, a court-approved private probation  
24 service may be utilized by the DWI court to fill the division's role. In such case, any and all  
25 necessary additional costs may be assessed against the participant. No person shall be rejected  
26 from participating in DWI court solely for the reason that the person does not reside in the city  
27 or county where the applicable DWI court is located but the DWI court can base acceptance into  
28 a treatment court program on its ability to adequately provide services for the person or handle  
29 the additional caseload.

478.009. 1. In order to coordinate the allocation of resources available to ~~drug~~  
2 **treatment** courts and the dockets or courts established by section ~~[478.007]~~ **478.001** throughout  
3 the state, there is hereby established a "~~Drug~~ **Treatment** Courts Coordinating Commission"  
4 in the judicial department. The ~~drug~~ **treatment** courts coordinating commission shall consist  
5 of one member selected by the director of the department of corrections; one member selected  
6 by the director of the department of social services; one member selected by the director of the  
7 department of mental health; one member selected by the director of the department of public  
8 safety; one member selected by the state courts administrator; and ~~three~~ **five** members selected  
9 by the supreme court, **one of which shall be a representative of the prosecuting attorneys of**  
10 **the state and one of which shall be a representative of the criminal defense bar of the state.**  
11 The supreme court shall designate the chair of the commission. The commission shall  
12 periodically meet at the call of the chair; evaluate resources available for assessment and  
13 treatment of persons assigned to ~~drug~~ **treatment** courts or for **the** operation of ~~drug~~  
14 **treatment** courts; secure grants, funds and other property and services necessary or desirable to  
15 facilitate ~~drug~~ **treatment** court operation; and allocate such resources among the various ~~drug~~  
16 **treatment** courts operating within the state.

17 2. **The commission shall establish standards and practices for the various courts of**  
18 **the treatment court divisions, taking into consideration guidelines and principles based on**  
19 **current research and findings relating to practices shown to reduce recidivism of offenders**  
20 **with a substance use disorder or co-occurring disorder.**

21 3. **Each treatment court division shall adopt policies and practices that are**  
22 **consistent with the standards and practices published by the commission.**



23           **4. The commission, in cooperation with the office of state courts administrator,**  
24 **shall provide technical assistance to treatment courts to assist them with the**  
25 **implementation of policies and practices consistent with the standards adopted by the**  
26 **commission.**

27           **5. A circuit court that operates a treatment court division shall adhere to the**  
28 **commission's published standards and practices in order to operate and be recognized as**  
29 **a functioning treatment court division.**

30           **6. Treatment courts that do not comply with the commission's standards shall be**  
31 **subject to administrative action. The administrative action shall prohibit that treatment**  
32 **court from accepting any new admissions and shall require a written plan for the**  
33 **completion of treatment for any existing participants be submitted to the commission and**  
34 **the office of state courts administrator. A treatment court receiving administrative action**  
35 **may request authorization for the continuance of operations for a specified period of time.**  
36 **A request for authorization for continuance of operations shall include a plan of**  
37 **improvement and proposals that would allow for the continued operation for a specified**  
38 **period of time.**

39           **7. Treatment court programs that collect or assess fees shall follow guidelines**  
40 **established by the commission.**

41           **8. Treatment court programs shall enter data in the approved statewide case**  
42 **management system as specified by the commission.**

43           **9. There is hereby established in the state treasury a "[Drug] Treatment Court Resources**  
44 **Fund", which shall be administered by the [drug] treatment courts coordinating commission.**  
45 **Funds available for allocation or distribution by the [drug] treatment courts coordinating**  
46 **commission may be deposited into the [drug] treatment court resources fund. Notwithstanding**  
47 **the provisions of section 33.080 to the contrary, moneys in the [drug] treatment court resources**  
48 **fund shall not be transferred or placed to the credit of the general revenue fund of the state at the**  
49 **end of each biennium, but shall remain deposited to the credit of the [drug] treatment court**  
50 **resources fund.**

51           **10. After a date determined by the commission, funds from the treatment court**  
52 **resources fund shall be awarded only to treatment courts which are in compliance with the**  
53 **standards and practices published by the commission.**

478.466. 1. In the sixteenth judicial circuit consisting of the county of Jackson, a  
2 majority of the court en banc may appoint one person, who shall possess the same qualifications  
3 as an associate circuit judge, to act as [drug] treatment court commissioner. The commissioner  
4 shall be appointed for a term of four years. The compensation of the commissioner shall be the  
5 same as that of an associate circuit judge and shall be paid out of the same source as the

6 compensation of all other **[drug] treatment** court commissioners in the state. The retirement  
7 benefits of such commissioner shall be the same as those of an associate circuit judge, payable  
8 in the same manner and from the same source as those of an associate circuit judge. Subject to  
9 approval or rejection by a circuit judge, the commissioner shall have all the powers and duties  
10 of a circuit judge. A circuit judge shall by order of record reject or confirm any order, judgment  
11 and decree of the commissioner within the time the judge could set aside such order, judgment  
12 or decree had the same been made by him. If so confirmed, the order, judgment or decree shall  
13 have the same effect as if made by the judge on the date of its confirmation.

14         2. The court administrator of the sixteenth judicial circuit shall charge and collect a  
15 surcharge of thirty dollars in all proceedings assigned to the **[drug] treatment** commissioner for  
16 disposition, provided that the surcharge shall not be charged in any proceeding when costs are  
17 waived or are to be paid by the state, county or municipality. Moneys obtained from such  
18 surcharge shall be collected and disbursed in the manner provided by sections 488.010 to  
19 488.020 and payable to the **[drug] treatment** commissioner for operation of the **[drug] treatment**  
20 court.

478.550. 1. There shall be four circuit judges in the twenty-third judicial circuit  
2 consisting of the county of Jefferson. These judges shall sit in divisions numbered one, two,  
3 three and four. Beginning on January 1, 2007, there shall be six circuit judges in the twenty-third  
4 judicial district and these judges shall sit in divisions numbered one, two, three, four, five, and  
5 six. The division eleven associate circuit judge position and the division twelve associate circuit  
6 judge shall become circuit judge positions beginning January 1, 2007. The division eleven  
7 associate circuit judge shall be numbered as division five and the division twelve associate  
8 circuit judge shall be numbered as division six.

9         2. The circuit judge in division three shall be elected in 1980. The circuit judges in  
10 divisions one and four shall be elected in 1982. The circuit judge in division two shall be elected  
11 in 1984. The circuit judges in divisions five and six shall be elected for a six-year term in 2006.

12         3. Beginning January 1, 2007, the family court commissioner position in the twenty-third  
13 judicial district appointed under section 487.020 shall become an associate circuit judge position  
14 in all respects and shall be designated as division eleven. This position may retain the duties and  
15 responsibilities with regard to the family court. The associate circuit judge in division eleven  
16 shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not be  
17 included in the statutory formula for authorizing additional associate circuit judgeships per  
18 county under section 478.320.

19         4. Beginning January 1, 2007, the **[drug] treatment** court commissioner position in the  
20 twenty-third judicial district appointed under section 478.003 shall become an associate circuit  
21 judge position in all respects and shall be designated as division twelve. This position may retain

22 the duties and responsibilities with regard to the ~~[drug]~~ **treatment** court. The associate circuit  
23 judge in division twelve shall be elected in 2006 for a full four-year term. This associate circuit  
24 judgeship shall not be included in the statutory formula for authorizing additional associate  
25 circuit judgeships per county under section 478.320.

478.600. 1. There shall be four circuit judges in the eleventh judicial circuit. These  
2 judges shall sit in divisions numbered one, two, three and four. Beginning on January 1, 2007,  
3 there shall be six circuit judges in the eleventh judicial circuit and these judges shall sit in  
4 divisions numbered one, two, three, four, five, and seven. The division five associate circuit  
5 judge position and the division seven associate circuit judge position shall become circuit judge  
6 positions beginning January 1, 2007, and shall be numbered as divisions five and seven.

7 2. The circuit judge in division two shall be elected in 1980. The circuit judge in  
8 division four shall be elected in 1982. The circuit judge in division one shall be elected in 1984.  
9 The circuit judge in division three shall be elected in 1992. The circuit judges in divisions five  
10 and seven shall be elected for a six-year term in 2006.

11 3. Beginning January 1, 2007, the family court commissioner positions in the eleventh  
12 judicial circuit appointed under section 487.020 shall become associate circuit judge positions  
13 in all respects and shall be designated as divisions nine and ten respectively. These positions  
14 may retain the duties and responsibilities with regard to the family court. The associate circuit  
15 judges in divisions nine and ten shall be elected in 2006 for full four-year terms.

16 4. Beginning on January 1, 2007, the ~~[drug]~~ **treatment** court commissioner position in  
17 the eleventh judicial circuit appointed under section 478.003 shall become an associate circuit  
18 judge position in all respects and shall be designated as division eleven. This position retains  
19 the duties and responsibilities with regard to the ~~[drug]~~ **treatment** court. Such associate circuit  
20 judge shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not  
21 be included in the statutory formula for authorizing additional associate circuit judgeships per  
22 county under section 478.320.

23 5. Beginning in fiscal year 2015, there shall be one additional associate circuit judge  
24 position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2016.  
25 This associate circuit judgeship shall not be included in the statutory formula for authorizing  
26 additional circuit judgeships per county under section 478.320.

478.716. Beginning January 1, 2007, there is hereby created a state-funded ~~[drug]~~  
2 **treatment** court commissioner position in the forty-second judicial circuit.

488.2230. 1. In addition to all other court costs for municipal ordinance violations, any  
2 home rule city with more than four hundred thousand inhabitants and located in more than one  
3 county may provide for additional court costs in an amount up to seven dollars per case for each  
4 municipal ordinance violation case, except that no such additional cost shall be collected in any

5 proceeding involving a violation of an ordinance when the proceeding or defendant has been  
6 dismissed by the court.

7 2. The judge may waive the assessment of the cost in those cases where the defendant  
8 is found by the judge to be indigent and unable to pay the costs.

9 3. Such cost shall be calculated by the clerk and disbursed to the city at least monthly.  
10 The city shall use such additional costs exclusively to fund special mental health~~[-drug,]~~ and  
11 ~~[veterans]~~ **treatment** courts, including indigent defense and ancillary services associated with  
12 such specialized courts.

488.5358. The court administrator of the sixteenth judicial circuit shall, pursuant to  
2 section 478.466, charge and collect a surcharge of thirty dollars in all proceedings assigned to  
3 the ~~[drug]~~ **treatment** commissioner for disposition, provided that the surcharge shall not be  
4 charged in any proceeding when costs are waived or are to be paid by the state, county or  
5 municipality. Moneys obtained from such surcharge shall be collected and disbursed in the  
6 manner provided by sections 488.010 to 488.020 and payable to the ~~[drug]~~ **treatment**  
7 commissioner for operation of the ~~[drug]~~ **treatment** court.

577.001. As used in this chapter, the following terms mean:

2 (1) “Aggravated offender”, a person who has been found guilty of:

3 (a) Three or more intoxication-related traffic offenses committed on separate occasions;  
4 or

5 (b) Two or more intoxication-related traffic offenses committed on separate occasions  
6 where at least one of the intoxication-related traffic offenses is an offense committed in violation  
7 of any state law, county or municipal ordinance, any federal offense, or any military offense in  
8 which the defendant was operating a vehicle while intoxicated and another person was injured  
9 or killed;

10 (2) “Aggravated boating offender”, a person who has been found guilty of:

11 (a) Three or more intoxication-related boating offenses; or

12 (b) Two or more intoxication-related boating offenses committed on separate occasions  
13 where at least one of the intoxication-related boating offenses is an offense committed in  
14 violation of any state law, county or municipal ordinance, any federal offense, or any military  
15 offense in which the defendant was operating a vessel while intoxicated and another person was  
16 injured or killed;

17 (3) “All-terrain vehicle”, any motorized vehicle manufactured and used exclusively for  
18 off-highway use which is fifty inches or less in width, with an unladen dry weight of one  
19 thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed  
20 to be straddled by the operator, or with a seat designed to carry more than one person, and  
21 handlebars for steering control;

22 (4) “Court”, any circuit, associate circuit, or municipal court, including traffic court, but  
23 not any juvenile court or ~~[drug]~~ **treatment** court;

24 (5) “Chronic offender”, a person who has been found guilty of:

25 (a) Four or more intoxication-related traffic offenses committed on separate occasions;

26 or

27 (b) Three or more intoxication-related traffic offenses committed on separate occasions  
28 where at least one of the intoxication-related traffic offenses is an offense committed in violation  
29 of any state law, county or municipal ordinance, any federal offense, or any military offense in  
30 which the defendant was operating a vehicle while intoxicated and another person was injured  
31 or killed; or

32 (c) Two or more intoxication-related traffic offenses committed on separate occasions  
33 where both intoxication-related traffic offenses were offenses committed in violation of any state  
34 law, county or municipal ordinance, any federal offense, or any military offense in which the  
35 defendant was operating a vehicle while intoxicated and another person was injured or killed;

36 (6) “Chronic boating offender”, a person who has been found guilty of:

37 (a) Four or more intoxication-related boating offenses; or

38 (b) Three or more intoxication-related boating offenses committed on separate occasions  
39 where at least one of the intoxication-related boating offenses is an offense committed in  
40 violation of any state law, county or municipal ordinance, any federal offense, or any military  
41 offense in which the defendant was operating a vessel while intoxicated and another person was  
42 injured or killed; or

43 (c) Two or more intoxication-related boating offenses committed on separate occasions  
44 where both intoxication-related boating offenses were offenses committed in violation of any  
45 state law, county or municipal ordinance, any federal offense, or any military offense in which  
46 the defendant was operating a vessel while intoxicated and another person was injured or killed;

47 (7) “Continuous alcohol monitoring”, automatically testing breath, blood, or transdermal  
48 alcohol concentration levels and tampering attempts at least once every hour, regardless of the  
49 location of the person who is being monitored, and regularly transmitting the data. Continuous  
50 alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of  
51 section 217.690;

52 (8) “Controlled substance”, a drug, substance, or immediate precursor in schedules I to  
53 V listed in section 195.017;

54 (9) “Drive”, “driving”, “operates” or “operating”, physically driving or operating a  
55 vehicle or vessel;

56 (10) “Flight crew member”, the pilot in command, copilots, flight engineers, and flight  
57 navigators;

58 (11) “Habitual offender”, a person who has been found guilty of:

59 (a) Five or more intoxication-related traffic offenses committed on separate occasions;

60 or

61 (b) Four or more intoxication-related traffic offenses committed on separate occasions  
62 where at least one of the intoxication-related traffic offenses is an offense committed in violation  
63 of any state law, county or municipal ordinance, any federal offense, or any military offense in  
64 which the defendant was operating a vehicle while intoxicated and another person was injured  
65 or killed; or

66 (c) Three or more intoxication-related traffic offenses committed on separate occasions  
67 where at least two of the intoxication-related traffic offenses were offenses committed in  
68 violation of any state law, county or municipal ordinance, any federal offense, or any military  
69 offense in which the defendant was operating a vehicle while intoxicated and another person was  
70 injured or killed;

71 (12) “Habitual boating offender”, a person who has been found guilty of:

72 (a) Five or more intoxication-related boating offenses; or

73 (b) Four or more intoxication-related boating offenses committed on separate occasions  
74 where at least one of the intoxication-related boating offenses is an offense committed in  
75 violation of any state law, county or municipal ordinance, any federal offense, or any military  
76 offense in which the defendant was operating a vessel while intoxicated and another person was  
77 injured or killed; or

78 (c) Three or more intoxication-related boating offenses committed on separate occasions  
79 where at least two of the intoxication-related boating offenses were offenses committed in  
80 violation of any state law, county or municipal ordinance, any federal offense, or any military  
81 offense in which the defendant was operating a vessel while intoxicated and another person was  
82 injured or killed; or

83 (d) While boating while intoxicated, the defendant acted with criminal negligence to:

84 a. Cause the death of any person not a passenger in the vessel operated by the defendant,  
85 including the death of an individual that results from the defendant’s vessel leaving the water;

86 or

87 b. Cause the death of two or more persons; or

88 c. Cause the death of any person while he or she has a blood alcohol content of at least  
89 eighteen-hundredths of one percent by weight of alcohol in such person’s blood;

90 (13) “Intoxicated” or “intoxicated condition”, when a person is under the influence of  
91 alcohol, a controlled substance, or drug, or any combination thereof;

92 (14) “Intoxication-related boating offense”, operating a vessel while intoxicated; boating  
93 while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which

94 the defendant was operating a vessel while intoxicated and another person was injured or killed  
95 in violation of any state law, county or municipal ordinance, any federal offense, or any military  
96 offense;

97 (15) “Intoxication-related traffic offense”, driving while intoxicated, driving with  
98 excessive blood alcohol content, driving under the influence of alcohol or drugs in violation of  
99 a state law, county or municipal ordinance, any federal offense, or any military offense, or an  
100 offense in which the defendant was operating a vehicle while intoxicated and another person was  
101 injured or killed in violation of any state law, county or municipal ordinance, any federal offense,  
102 or any military offense;

103 (16) “Law enforcement officer” or “arresting officer”, includes the definition of law  
104 enforcement officer in section 556.061 and military policemen conducting traffic enforcement  
105 operations on a federal military installation under military jurisdiction in the state of Missouri;

106 (17) “Operate a vessel”, to physically control the movement of a vessel in motion under  
107 mechanical or sail power in water;

108 (18) “Persistent offender”, a person who has been found guilty of:

109 (a) Two or more intoxication-related traffic offenses committed on separate occasions;

110 or

111 (b) One intoxication-related traffic offense committed in violation of any state law,  
112 county or municipal ordinance, federal offense, or military offense in which the defendant was  
113 operating a vehicle while intoxicated and another person was injured or killed;

114 (19) “Persistent boating offender”, a person who has been found guilty of:

115 (a) Two or more intoxication-related boating offenses committed on separate occasions;

116 or

117 (b) One intoxication-related boating offense committed in violation of any state law,  
118 county or municipal ordinance, federal offense, or military offense in which the defendant was  
119 operating a vessel while intoxicated and another person was injured or killed;

120 (20) “Prior offender”, a person who has been found guilty of one intoxication-related  
121 traffic offense, where such prior offense occurred within five years of the occurrence of the  
122 intoxication-related traffic offense for which the person is charged;

123 (21) “Prior boating offender”, a person who has been found guilty of one  
124 intoxication-related boating offense, where such prior offense occurred within five years of the  
125 occurrence of the intoxication-related boating offense for which the person is charged.

2 ~~[478.006. Any provision or provisions of sections 478.001 to 478.006~~  
3 ~~may be applied by local circuit court rule to proceedings in the sixteenth judicial~~  
4 ~~circuit subject to section 478.466.]~~

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

6 ~~2. A veterans treatment court shall combine judicial supervision, drug  
7 testing, and substance abuse and mental health treatment to participants who have  
8 served or are currently serving the United States Armed Forces, including  
9 members of the Reserves, National Guard, or state guard.~~

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

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

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

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

28 ~~(3) A transfer under this subsection is not valid unless it is agreed to by  
29 all of the following:~~

30 ~~(a) The defendant or respondent;~~

31 ~~(b) The attorney representing the defendant or respondent;~~

32 ~~(c) The judge of the transferring court and the prosecutor of the case; and~~

33 ~~(d) The judge of the receiving veterans treatment court and the prosecutor  
34 of the veterans treatment court.~~

35 ~~(4) If the defendant is terminated from the veterans treatment court  
36 program the defendant's case shall be returned to the transferring court for  
37 disposition.~~

38 ~~5. Any proceeding accepted by the veterans treatment court program for  
39 disposition shall be upon agreement of the parties.~~

40 ~~6. Except for good cause found by the court, a veterans treatment court  
41 shall make a referral for substance abuse or mental health treatment, or a  
42 combination of substance abuse and mental health treatment, through the  
43 Department of Defense health care, the Veterans Administration, or a~~



44 community-based treatment program. Community-based programs utilized shall  
 45 receive state or federal funds in connection with such referral and shall only refer  
 46 the individual to a program which is certified by the Missouri department of  
 47 mental health, unless no appropriate certified treatment program is located within  
 48 the same county as the veterans treatment court.

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

55 ~~8. Notwithstanding any other provision of law to the contrary, veterans~~  
 56 ~~treatment court staff shall be provided with access to all records of any state or~~  
 57 ~~local government agency relevant to the treatment of any program participant.~~

58 ~~9. Upon general request, employees of all such agencies shall fully~~  
 59 ~~inform a veterans treatment court staff of all matters relevant to the treatment of~~  
 60 ~~the participant. All such records and reports and the contents thereof shall:~~

- 61 ~~(1) Be treated as closed records;~~
- 62 ~~(2) Not be disclosed to any person outside of the veterans treatment~~  
 63 ~~court;~~
- 64 ~~(3) Be maintained by the court in a confidential file not available to the~~  
 65 ~~public.~~

66 ~~10. Upon successful completion of the treatment program, the charges,~~  
 67 ~~petition, or penalty against a veterans treatment court participant may be~~  
 68 ~~dismissed, reduced, or modified. Any fees received by a court from a defendant~~  
 69 ~~as payment for substance abuse or mental health treatment programs shall not be~~  
 70 ~~considered court costs, charges, or fines.]~~

71  
 2 ~~[478.551. Any drug court commissioner authorized pursuant to section~~  
 3 ~~478.001 and appointed in the twenty-third judicial circuit pursuant to section~~  
 4 ~~478.003 shall be a state-funded position.]~~

✓