

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 2562

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE AUSTIN.

6484H.01P

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2 478.007, 478.008, 478.009, 478.466, 478.550, 478.551, 478.600, 478.716, 488.2230, 488.5358, 3 and 577.001, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known 4 as sections 208.151, 217.703, 478.001, 478.003, 478.004, 478.005, 478.007, 478.009, 478.466,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

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.

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
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 ~~[dœeket]~~ **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 pharmacological medications, in combination with counseling and behavioral therapies, to provide a whole patient approach to the treatment of substance use disorders.]~~ **The treatment court team shall, when practicable, conduct a staffing prior to each treatment court session to discuss and provide updated information regarding the treatment court participant. After determining his or her progress or lack thereof, the treatment court team shall consider the appropriate incentive or sanction to be applied, and the court shall make the final decision based on information presented in the staffing.**

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

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

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

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

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

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

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

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

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

4. **If a ~~[drug] treatment court [or veterans court]~~ participant requires treatment for opioid or other substance misuse or dependence, a ~~[drug] treatment court [or veterans court]~~ shall not prohibit such participant from participating in and receiving medication-assisted treatment under the care of a physician licensed in this state to practice medicine. A ~~[drug] treatment court [or veterans court]~~ participant shall not be required to refrain from using medication-assisted treatment as a term or condition of successful 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 majority of the court en banc may appoint one person, who shall possess the same qualifications as an associate circuit judge, to act as **[drug] treatment** court commissioner. The commissioner shall be appointed for a term of four years. The compensation of the commissioner shall be the same as that of an associate circuit judge and shall be paid out of the same source as the compensation of all other **[drug] treatment** court commissioners in the state. The retirement benefits of such commissioner shall be the same as those of an associate circuit judge, payable in the same manner and from the same source as those of an associate circuit judge. Subject to approval or rejection by a circuit judge, the commissioner shall have all the powers and duties of a circuit judge. A circuit judge shall by order of record reject or confirm any order, judgment and decree of the commissioner within the time the judge could set aside such order, judgment or decree had the same been made by him. If so confirmed, the order, judgment or decree shall have the same effect as if made by the judge on the date of its confirmation.

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

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

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

3. Beginning January 1, 2007, the family court commissioner position in the twenty-third judicial district appointed under section 487.020 shall become an associate circuit judge position in all respects and shall be designated as division eleven. This position may retain the duties and responsibilities with regard to the family court. The associate circuit judge in division eleven 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.

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

~~[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.~~

~~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.~~

~~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~~

~~(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.~~

~~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.~~

~~(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.~~

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

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

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

~~(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.]~~

