

HB 2562 -- TREATMENT COURTS

SPONSOR: Austin

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 6 to 0. Voted "Do Pass" by the Rules-Legislative Oversight Committee by a vote of 11 to 0.

This bill establishes treatment courts.

COMPLIANCE CREDITS

This bill suspends the application of earned compliance credits upon an offender's entry into a treatment court. Upon successful completion of the treatment court, all earned compliance credits accumulated during the suspension period will be retroactively applied (Section 217.703, RSMo).

TREATMENT COURTS

This bill establishes treatment court divisions, which include, but are not limited to Adult Treatment Court, Driving While Intoxicated (DWI) Court, Family Treatment Court, Juvenile Treatment Court, and Veterans Treatment Court. Previously, a treatment court division was called a drug court.

An adult treatment court provides an alternative for the judicial system to dispose of cases which stem from substance use.

A DWI court provides an alternative for the judicial system to dispose of cases which stem from driving while intoxicated.

A family treatment court provides an alternative for a parent or other household member who has a substance use disorder (with or without a mental health disorder) which impacts the safety and well-being of the children in the family.

A juvenile treatment court provides an alternative for a juvenile whose substance use disorder (with or without a mental health disorder) contributed to the commission of a criminal offense.

A veterans treatment court provides an alternative for the judicial system to dispose of cases which stem from substance use or a mental health disorder or military veterans or current military personnel (Section 478.001).

TREATMENT COURT COMMISSIONER

The Supreme Court can assign a treatment court commissioner to

serve in a treatment court division of a circuit other than the circuit in which the commissioner is appointed. A treatment court commissioner may serve as a commissioner in any treatment or problem-solving court, as designated by the treatment court coordinating commission (Section 478.003).

TREATMENT COURT PARTICIPATION

This bill specifies that a treatment court team must conduct a staffing prior to each treatment court session to determine the progress of the treatment court participant and the appropriate incentive or sanction to be applied. In any criminal case, if the defendant meets the eligibility criteria for treatment court, the judge may order the defendant to treatment court for treatment either before the entry of the sentence if the prosecuting attorney consents, as a condition of probation, or upon consideration of a motion to revoke probation. A treatment court may accept participants from any other jurisdiction (Section 478.004).

Each treatment court must establish criteria for who is eligible for treatment court and what constitutes successful completion of the program (Section 478.005).

JACKSON COUNTY

This bill repeals a provision that would allow Jackson County to establish its own docket within the treatment court division. The bill also removes a provision that requires breath alcohol testing to be done a minimum of four times a day (Section 478.007).

TREATMENT COURTS COORDINATING COMMISSION

This bill adds two more members to the Treatment Court Coordinating Commission to be selected by the Supreme Court. One member must be a representative of prosecuting attorneys and one member must be a representative of the criminal defense bar. The commission must establish standards and practices for treatment courts and each treatment court must adopt policies and practices that are consistent with the commission's standards in order to be recognized as a functioning treatment court and to accept new admissions. The commission will provide assistance to the treatment courts to assist with the implementation of the commission's standards. Any funds from the Treatment Court Resources Fund can only be awarded to treatment courts that are in compliance with the commission's standards (Section 478.009).

The remaining sections in the bill change references from "drug court" to "treatment court" (Sections 208.151, 478.466, 478.550, 478.600, 478.716, 488.2230, 488.5358, and 577.001).

This bill repeals a provision regarding veterans treatment courts and a provision stating that being appointed as a drug court commissioner to the 23rd Judicial Circuit is a state-funded position.

PROPONENTS: Supporters say that treatment court is successful, and there is an indication that similar courts for other issues could be successful, too. The local courts can and should set their own policies for these types of courts, but the legislation establishes best practices for them. The intention is to help advance the ball toward institutionalizing the concept of treatment court. They should not be viewed as alternative treatments; these ideally would be divisions of the circuit courts. The expectation is that this would improve the quality and the consistency of treatment courts across Missouri. Prosecutors would remain the gatekeepers, and prosecutors and defense attorneys would be members of the treatment court commission. Finally, earned compliance credits would be suspended while individuals are in treatment court, which is a big deal because it means the individuals will not be off probation or parole before they complete treatment.

Testifying for the bill were Representative Austin; Alan Blankenship; Amanda Grellner, Missouri Association of Prosecuting Attorneys; Patricia Churchill, Judicial Conference of Missouri; and the Missouri Association of Criminal Defense Lawyers.

OPPONENTS: There was no opposition voiced to the committee.