

FIRST REGULAR SESSION

HOUSE BILL NO. 1467

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MAYHEW.

1835H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 478.004, RSMo, and to enact in lieu thereof two new sections relating to treatment courts.

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

Section A. Section 478.004, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 478.002 and 478.004, to read as follows:

478.002. 1. Notwithstanding any provision of law, all circuit and associate circuit courts shall offer and utilize a treatment court program for first-time felony offenders to address a substance use disorder prior to the offender entering a plea in court.

2. After completion of the treatment court program under subsection 1 of this section, any pending charges against the offender for the criminal case requiring treatment by the treatment court program shall be dismissed; however, the offender shall be required to pay any associated costs prior to the dismissal of the charges.

478.004. 1. The treatment court team shall, when practicable, conduct a meeting 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 meeting.

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;

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 (2) As a condition of probation; or
12 (3) Upon consideration of a motion to revoke probation.

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14 **If the provisions of section 478.002 are not utilized, the provisions of this subsection may**
15 **be utilized.**

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 of
18 the participant in the receiving jurisdiction or the unavailability of a treatment court in the
19 transferring jurisdiction. The transfer may occur at any time during the proceedings
20 including, but not limited to, prior to adjudication and during periods when the participant is
21 on probation. The receiving court shall have jurisdiction to impose a sentence including, but
22 not limited to, sanctions, incentives, incarceration, and phase changes. A transfer under this
23 subsection is not valid unless it is agreed to by 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.

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

36 5. A treatment court participant assigned to a treatment program for opioid or other
37 substance misuse or dependence shall not be in violation of the terms or conditions of the
38 treatment court on the basis of his or her participation in medication-assisted treatment under
39 the care of a physician licensed in this state to practice medicine.

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