

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2562
99TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, May 9, 2018, with recommendation that the Senate Committee Substitute do pass.

6484S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 82.1025, 82.1027, 82.1028, 143.783, 208.151, 217.703, 302.321, 302.341, 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, 479.020, 479.353, 479.359, 479.360, 488.2230, 488.2250, 488.5358, and 577.001, RSMo, and to enact in lieu thereof twenty-eight new sections relating to courts, with existing penalty provisions.

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

Section A. Sections 82.1025, 82.1027, 82.1028, 143.783, 208.151, 217.703, 302.321, 302.341, 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478.551, 478.600, 478.716, 479.020, 479.353, 479.359, 479.360, 488.2230, 488.2250, 488.5358, and 577.001, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 82.1025, 82.1027, 82.1028, 143.783, 208.151, 217.703, 302.321, 302.341, 478.001, 478.003, 478.004, 478.005, 478.007, 478.009, 478.466, 478.550, 478.600, 478.716, 479.020, 479.353, 479.354, 479.359, 479.360, 488.2230, 488.2250, 488.5358, 577.001, and 1, to read as follows:

82.1025. 1. **Sections 82.1025 to 82.1030 shall be known and may be cited as the "Neighborhood Restoration Act".**

2. This section applies to a nuisance located within the boundaries of any county of the first classification with a charter form of government and a population greater than nine hundred thousand, in any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants, in any county of the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

8 first classification with more than seventy-three thousand seven hundred but
9 fewer than seventy-three thousand eight hundred inhabitants, in any county of
10 the first classification with more than ninety-three thousand eight hundred but
11 fewer than ninety-three thousand nine hundred inhabitants, in any home rule
12 city with more than one hundred fifty-one thousand five hundred but fewer than
13 one hundred fifty-one thousand six hundred inhabitants, in any city not within
14 a county [and], in any city with at least three hundred fifty thousand inhabitants
15 which is located in more than one county, **and in any home rule city with**
16 **more than one hundred fifty-five thousand but fewer than two hundred**
17 **thousand inhabitants.**

18 [2.] 3. A parcel of property is a nuisance, if such property adversely
19 affects the property values of a neighborhood or the property value of any
20 property within the neighborhood because the owner of such property allows the
21 property to be in a deteriorated condition, due to neglect or failure to reasonably
22 maintain, violation of a county or municipal building code, standard, or
23 ordinance, abandonment, failure to repair after a fire, flood or some other damage
24 to the property or because the owner or resident of the property allows clutter on
25 the property such as abandoned automobiles, appliances or similar objects. Any
26 property owner who owns property within one thousand two hundred feet of a
27 parcel of property which is alleged to be a nuisance may bring a nuisance action
28 against the offending property owner for the amount of damage created by such
29 nuisance to the value of the petitioner's property, including diminution in value
30 of the petitioner's property, and court costs, provided that the owner of the
31 property which is alleged to be a nuisance has received notification of the alleged
32 nuisance and has had a reasonable opportunity, not to exceed forty-five days, to
33 correct the alleged nuisance. This section is not intended to abrogate, and shall
34 not be construed as abrogating, any remedy available under the common law of
35 private nuisance.

36 [3.] 4. An action for injunctive relief to abate a nuisance under this
37 section may be brought by:

38 (1) Anyone who owns property within one thousand two hundred feet to
39 a property which is alleged to be a nuisance; or

40 (2) A neighborhood organization, as defined in subdivision (2) of section
41 82.1027, on behalf of any person or persons who own property within the
42 boundaries of the neighborhood or neighborhoods described in the articles of
43 incorporation or bylaws of the neighborhood organization and who could maintain

44 a nuisance action under this section or under the common law of private
45 nuisance, or on its own behalf with respect to a nuisance on property anywhere
46 within the boundaries of the neighborhood or neighborhoods.

47 [4.] 5. An action shall not be brought under this section until sixty days
48 after the party who brings the action has sent written notice of intent to bring an
49 action under this section by certified mail, return receipt requested, postage
50 prepaid to:

51 (1) The tenant, if any, or to "occupant" if the identity of the tenant cannot
52 be reasonably ascertained, at the property's address; and

53 (2) The property owner of record at the last known address of the property
54 owner on file with the county or city, or, if the property owner is a corporation or
55 other type of limited liability company, to the property owner's registered agent
56 at the agent's address of record;

57 that a nuisance exists and that legal action may be taken against the owner of
58 the property. If the notice sent by certified mail is returned unclaimed or
59 refused, designated by the post office to be undeliverable, or signed for by a
60 person other than the addressee, then adequate and sufficient notice may be
61 given to the tenant, if any, and the property owner of record by sending a copy of
62 the notice by regular mail to the address of the property owner or registered
63 agent and posting a copy of the notice on the property where the nuisance
64 allegedly is occurring. A sworn affidavit by the person who mailed or posted the
65 notice describing the date and manner that notice was given shall be prima facie
66 evidence of the giving of such notice. The notice shall specify:

67 (a) The act or condition that constitutes the nuisance;

68 (b) The date the nuisance was first discovered;

69 (c) The address of the property and location on the property where the act
70 or condition that constitutes the nuisance is allegedly occurring or exists; and

71 (d) The relief sought in the action.

72 [5.] 6. When a neighborhood organization files a suit under this section,
73 an officer of the neighborhood organization or its counsel shall certify to the
74 court:

75 (1) From personal knowledge, that the neighborhood organization has
76 taken the required steps to satisfy the notice requirements under this section;
77 and

78 (2) Based on reasonable inquiry, that each condition precedent to the
79 filing of the action under this section has been met.

80 [6.] 7. A neighborhood organization may not bring an action under this
81 section if, at the time of filing suit, the neighborhood organization or any of its
82 directors own real estate, or have an interest in a trust or a corporation or other
83 limited liability company that owns real estate, in the city or county in which the
84 nuisance is located with respect to which real property taxes are delinquent or
85 a notice of violation of a city code or ordinance has been issued and served and
86 is outstanding.

87 [7.] 8. This section is not intended to abrogate, and shall not be
88 construed as abrogating, any remedy available under the common law of private
89 nuisance.

90 **9. When a property owner or neighborhood organization bringing**
91 **an action under this section prevails in such action, such property**
92 **owner or organization may be entitled to an award for its reasonable**
93 **attorneys' fees and expenses, as ordered by the court, incurred in**
94 **bringing and prosecuting the action. Such award for attorneys' fees**
95 **and expenses shall be entered as a judgment against the owner of the**
96 **property on which the act or condition constituting the nuisance**
97 **occurred or was located. Such judgment, if filed for record with the**
98 **recorder of deeds for the city or county in which the property is**
99 **located, shall constitute a lien against such property.**

82.1027. As used in sections 82.1027 to 82.1030, the following terms
2 mean:

3 (1) "Code or ordinance violation", a violation under the provisions of a
4 municipal code or ordinance of any home rule city with more than four hundred
5 thousand inhabitants and located in more than one county, **any home rule city**
6 **with more than one hundred fifty-five thousand but fewer than two**
7 **hundred thousand inhabitants**, or any city not within a county, which
8 regulates fire prevention, animal control, noise control, property maintenance,
9 building construction, health, safety, neighborhood detriment, sanitation, or
10 nuisances;

11 (2) "Neighborhood organization", a Missouri not-for-profit corporation
12 whose articles of incorporation or bylaws specify that one of the purposes for
13 which the corporation is organized is the preservation and protection of
14 residential and community property values in a neighborhood or neighborhoods
15 with geographic boundaries that conform to the boundaries of not more than two
16 adjoining neighborhoods recognized by the planning division of the city or county

17 in which the neighborhood or neighborhoods are located provided that the
18 corporation's articles of incorporation or bylaws provide that:

19 (a) The corporation has members;

20 (b) Membership shall be open to all persons who own residential real
21 estate or who reside in the neighborhood or neighborhoods described in the
22 corporation's articles of incorporation or bylaws subject to reasonable restrictions
23 on membership to protect the integrity of the organization; however, membership
24 may not be conditioned upon payment of monetary consideration in excess of
25 twenty-five dollars per year; and

26 (c) Only members who own residential real estate or who reside in the
27 neighborhood or neighborhoods described in the corporation's articles of
28 incorporation or bylaws may elect directors or serve as a director;

29 (3) "Nuisance", within the boundaries of the neighborhood or
30 neighborhoods described in the articles of incorporation or bylaws of the
31 neighborhood organization, an act or condition knowingly created, performed,
32 maintained, or permitted to exist on private property that constitutes a code or
33 ordinance violation and that significantly affects the other residents of the
34 neighborhood; and:

35 (a) Diminishes the value of the neighboring property; or

36 (b) Is injurious to the public health, safety, security, or welfare of
37 neighboring residents or businesses; or

38 (c) Impairs the reasonable use or peaceful enjoyment of other property in
39 the neighborhood.

82.1028. Sections 82.1027 to 82.1030 **shall** apply to a nuisance located
2 within the boundaries of any city not within a county [and], any home rule city
3 with more than four hundred thousand inhabitants and located in more than one
4 county, **and any home rule city with more than one hundred fifty-five**
5 **thousand but fewer than two hundred thousand inhabitants.**

143.783. 1. Any state agency **or court pursuant to subdivision (5) of**
2 **section 479.353** may submit to the department any debt in excess of twenty-five
3 dollars for collection through setoff, under the procedure established by sections
4 143.782 to 143.788, except in cases where such collection would result in a loss
5 of federal funds or federal assistance.

6 2. Upon request of any state agency **or court**, the department shall set
7 off any refund, as defined in section 143.782, against the sum certified by that
8 state agency **or court** as provided in sections 143.782 to 143.788 provided that

9 the department shall not be required to set off any refund if the cost of the
10 determination of the refund exceeds the amount of the refund.

11 3. The department has priority, pursuant to section 143.781, over every
12 other state agency **or court** for collection by setoff under sections 143.782 to
13 143.788.

14 4. The collection remedy authorized by sections 143.782 to 143.788 is in
15 addition to and not in substitution for any other remedy available by law.

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

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

9 (2) All participants receiving aid to families with dependent children
10 benefits, including all persons under nineteen years of age who would be
11 classified as dependent children except for the requirements of subdivision (1) of
12 subsection 1 of section 208.040. Participants eligible under this subdivision who
13 are participating in **[drug] treatment** court, as defined in section 478.001, shall
14 have their eligibility automatically extended sixty days from the time their
15 dependent child is removed from the custody of the participant, subject to
16 approval of the Centers for Medicare and Medicaid Services;

17 (3) All participants receiving blind pension benefits;

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

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

29 (6) All persons under the age of twenty-one years who would be eligible

30 for aid to families with dependent children benefits except for the requirement of
31 deprivation of parental support as provided for in subdivision (2) of subsection 1
32 of section 208.040;

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

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

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

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

45 (11) Pregnant women who meet the requirements for aid to families with
46 dependent children, except for the existence of a dependent child who is deprived
47 of parental support as provided for in subdivision (2) of subsection 1 of section
48 208.040;

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

54 (13) Children who have attained one year of age but have not attained six
55 years of age who are eligible for medical assistance under 6401 of P.L. 101-239
56 (Omnibus Budget Reconciliation Act of 1989). The family support division shall
57 use an income eligibility standard equal to one hundred thirty-three percent of
58 the federal poverty level established by the Department of Health and Human
59 Services, or its successor agency;

60 (14) Children who have attained six years of age but have not attained
61 nineteen years of age. For children who have attained six years of age but have
62 not attained nineteen years of age, the family support division shall use an
63 income assessment methodology which provides for eligibility when family income
64 is equal to or less than equal to one hundred percent of the federal poverty level
65 established by the Department of Health and Human Services, or its successor

66 agency. As necessary to provide MO HealthNet coverage under this subdivision,
67 the department of social services may revise the state MO HealthNet plan to
68 extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have
69 attained six years of age but have not attained nineteen years of age as permitted
70 by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income
71 assessment methodology as authorized by paragraph (2) of subsection (r) of 42
72 U.S.C. 1396a;

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

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

83 (17) A child born to a woman eligible for and receiving MO HealthNet
84 benefits under this section on the date of the child's birth shall be deemed to have
85 applied for MO HealthNet benefits and to have been found eligible for such
86 assistance under such plan on the date of such birth and to remain eligible for
87 such assistance for a period of time determined in accordance with applicable
88 federal and state law and regulations so long as the child is a member of the
89 woman's household and either the woman remains eligible for such assistance or
90 for children born on or after January 1, 1991, the woman would remain eligible
91 for such assistance if she were still pregnant. Upon notification of such child's
92 birth, the family support division shall assign a MO HealthNet eligibility
93 identification number to the child so that claims may be submitted and paid
94 under such child's identification number;

95 (18) Pregnant women and children eligible for MO HealthNet benefits
96 pursuant to subdivision (12), (13) or (14) of this subsection shall not as a
97 condition of eligibility for MO HealthNet benefits be required to apply for aid to
98 families with dependent children. The family support division shall utilize an
99 application for eligibility for such persons which eliminates information
100 requirements other than those necessary to apply for MO HealthNet
101 benefits. The division shall provide such application forms to applicants whose

102 preliminary income information indicates that they are ineligible for aid to
103 families with dependent children. Applicants for MO HealthNet benefits under
104 subdivision (12), (13) or (14) of this subsection shall be informed of the aid to
105 families with dependent children program and that they are entitled to apply for
106 such benefits. Any forms utilized by the family support division for assessing
107 eligibility under this chapter shall be as simple as practicable;

108 (19) Subject to appropriations necessary to recruit and train such staff,
109 the family support division shall provide one or more full-time, permanent
110 eligibility specialists to process applications for MO HealthNet benefits at the site
111 of a health care provider, if the health care provider requests the placement of
112 such eligibility specialists and reimburses the division for the expenses including
113 but not limited to salaries, benefits, travel, training, telephone, supplies, and
114 equipment of such eligibility specialists. The division may provide a health care
115 provider with a part-time or temporary eligibility specialist at the site of a health
116 care provider if the health care provider requests the placement of such an
117 eligibility specialist and reimburses the division for the expenses, including but
118 not limited to the salary, benefits, travel, training, telephone, supplies, and
119 equipment, of such an eligibility specialist. The division may seek to employ such
120 eligibility specialists who are otherwise qualified for such positions and who are
121 current or former welfare participants. The division may consider training such
122 current or former welfare participants as eligibility specialists for this program;

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

128 (21) Case management services for pregnant women and young children
129 at risk shall be a covered service. To the greatest extent possible, and in
130 compliance with federal law and regulations, the department of health and senior
131 services shall provide case management services to pregnant women by contract
132 or agreement with the department of social services through local health
133 departments organized under the provisions of chapter 192 or chapter 205 or a
134 city health department operated under a city charter or a combined city-county
135 health department or other department of health and senior services designees.
136 To the greatest extent possible the department of social services and the
137 department of health and senior services shall mutually coordinate all services

138 for pregnant women and children with the crippled children's program, the
139 prevention of intellectual disability and developmental disability program and the
140 prenatal care program administered by the department of health and senior
141 services. The department of social services shall by regulation establish the
142 methodology for reimbursement for case management services provided by the
143 department of health and senior services. For purposes of this section, the term
144 "case management" shall mean those activities of local public health personnel
145 to identify prospective MO HealthNet-eligible high-risk mothers and enroll them
146 in the state's MO HealthNet program, refer them to local physicians or local
147 health departments who provide prenatal care under physician protocol and who
148 participate in the MO HealthNet program for prenatal care and to ensure that
149 said high-risk mothers receive support from all private and public programs for
150 which they are eligible and shall not include involvement in any MO HealthNet
151 prepaid, case-managed programs;

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

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

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

169 (b) All persons who would be determined to be eligible for aid to the blind
170 benefits under the eligibility standards in effect December 31, 1973, as authorized
171 by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the
172 MO HealthNet state plan as of January 1, 2005, except that less restrictive
173 income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be

174 used to raise the income limit to one hundred percent of the federal poverty level;

175 (c) All persons who would be determined to be eligible for permanent and
176 total disability benefits under the eligibility standards in effect December 31,
177 1973, as authorized by 42 U.S.C. 1396a(f); or less restrictive methodologies as
178 contained in the MO HealthNet state plan as of January 1, 2005; except that, on
179 or after July 1, 2005, less restrictive income methodologies, as authorized in 42
180 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized
181 by annual appropriations. Eligibility standards for permanent and total
182 disability benefits shall not be limited by age;

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

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

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

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

193 and

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

195 2. Rules and regulations to implement this section shall be promulgated
196 in accordance with chapter 536. Any rule or portion of a rule, as that term is
197 defined in section 536.010, that is created under the authority delegated in this
198 section shall become effective only if it complies with and is subject to all of the
199 provisions of chapter 536 and, if applicable, section 536.028. This section and
200 chapter 536 are nonseverable and if any of the powers vested with the general
201 assembly pursuant to chapter 536 to review, to delay the effective date or to
202 disapprove and annul a rule are subsequently held unconstitutional, then the
203 grant of rulemaking authority and any rule proposed or adopted after August 28,
204 2002, shall be invalid and void.

205 3. After December 31, 1973, and before April 1, 1990, any family eligible
206 for assistance pursuant to 42 U.S.C. 601, et seq., as amended, in at least three
207 of the last six months immediately preceding the month in which such family
208 became ineligible for such assistance because of increased income from
209 employment shall, while a member of such family is employed, remain eligible for

210 MO HealthNet benefits for four calendar months following the month in which
211 such family would otherwise be determined to be ineligible for such assistance
212 because of income and resource limitation. After April 1, 1990, any family
213 receiving aid pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of
214 the six months immediately preceding the month in which such family becomes
215 ineligible for such aid, because of hours of employment or income from
216 employment of the caretaker relative, shall remain eligible for MO HealthNet
217 benefits for six calendar months following the month of such ineligibility as long
218 as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family
219 which has received such medical assistance during the entire six-month period
220 described in this section and which meets reporting requirements and income
221 tests established by the division and continues to include a child as provided in
222 42 U.S.C. 1396r-6 shall receive MO HealthNet benefits without fee for an
223 additional six months. The MO HealthNet division may provide by rule and as
224 authorized by annual appropriation the scope of MO HealthNet coverage to be
225 granted to such families.

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

233 5. The department of social services may apply to the federal Department
234 of Health and Human Services for a MO HealthNet waiver amendment to the
235 Section 1115 demonstration waiver or for any additional MO HealthNet waivers
236 necessary not to exceed one million dollars in additional costs to the state, unless
237 subject to appropriation or directed by statute, but in no event shall such waiver
238 applications or amendments seek to waive the services of a rural health clinic or
239 a federally qualified health center as defined in 42 U.S.C. 1396d(l)(1) and (2) or
240 the payment requirements for such clinics and centers as provided in 42 U.S.C.
241 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the
242 oversight committee created in section 208.955. A request for such a waiver so
243 submitted shall only become effective by executive order not sooner than ninety
244 days after the final adjournment of the session of the general assembly to which
245 it is submitted, unless it is disapproved within sixty days of its submission to a

246 regular session by a senate or house resolution adopted by a majority vote of the
247 respective elected members thereof, unless the request for such a waiver is made
248 subject to appropriation or directed by statute.

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

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

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

6 (2) On probation, parole, or conditional release for an offense listed in
7 chapter 579, or an offense previously listed in chapter 195, or for a class D or E
8 felony, excluding the offenses of stalking in the first degree, rape in the second
9 degree, sexual assault, sodomy in the second degree, deviate sexual assault,
10 assault in the second degree under subdivision (2) of subsection 1 of section
11 565.052, sexual misconduct involving a child, endangering the welfare of a child
12 in the first degree under subdivision (2) of subsection 1 of section 568.045, incest,
13 invasion of privacy, abuse of a child, and any offense of aggravated stalking or
14 assault in the second degree under subdivision (2) of subsection 1 of section
15 565.060 as such offenses existed prior to January 1, 2017;

16 (3) Supervised by the board; and

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

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

21 (1) Involuntary manslaughter in the second degree;

22 (2) Assault in the second degree except under subdivision (2) of subsection
23 1 of section 565.052 or section 565.060 as it existed prior to January 1, 2017;

24 (3) Domestic assault in the second degree;

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

28 (5) Statutory rape in the second degree;

29 (6) Statutory sodomy in the second degree;

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

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

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

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

51 4. For the purposes of this section, the term "compliance" shall mean the
52 absence of an initial violation report submitted by a probation or parole officer
53 during a calendar month, or a motion to revoke or motion to suspend filed by a
54 prosecuting or circuit attorney, against the offender.

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

65 time during which the court or board has suspended the term of probation, parole,
66 or release, and shall begin to accrue on the first day of the next calendar month
67 following the lifting of the suspension.

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

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

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

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

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

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

98 **12. The application of earned compliance credits shall be**
99 **suspended upon entry into a treatment court, as defined in sections**
100 **478.001 to 478.009, and shall remain suspended until the offender is**

101 **discharged from such treatment court. Upon successful completion of**
102 **treatment court, all earned compliance credits accumulated during the**
103 **suspension period shall be retroactively applied, so long as the other**
104 **terms and conditions of probation have been successfully completed.**

302.321. 1. A person commits the offense of driving while revoked if such
2 person operates a motor vehicle on a highway when such person's license or
3 driving privilege has been cancelled, suspended, or revoked under the laws of this
4 state or any other state, **excluding a person whose license is suspended**
5 **solely pursuant to section 302.341**, and acts with criminal negligence with
6 respect to knowledge of the fact that such person's driving privilege has been
7 cancelled, suspended, or revoked.

8 2. Any person convicted of driving while revoked is guilty of a
9 misdemeanor. A first violation of this section shall be punishable as a class D
10 misdemeanor. A second or third violation of this section shall be punishable as
11 a class A misdemeanor. Any person with no prior alcohol-related enforcement
12 contacts as defined in section 302.525, convicted a fourth or subsequent time of
13 driving while revoked or a county or municipal ordinance of driving while
14 suspended or revoked where the defendant was represented by or waived the
15 right to an attorney in writing, and where the prior three driving-while-revoked
16 offenses occurred within ten years of the date of occurrence of the present offense;
17 and any person with a prior alcohol-related enforcement contact as defined in
18 section 302.525, convicted a third or subsequent time of driving while revoked or
19 a county or municipal ordinance of driving while suspended or revoked where the
20 defendant was represented by or waived the right to an attorney in writing, and
21 where the prior two driving-while-revoked offenses occurred within ten years of
22 the date of occurrence of the present offense and where the person received and
23 served a sentence of ten days or more on such previous offenses is guilty of a class
24 E felony. Except upon conviction as a first offense, no court shall suspend the
25 imposition of sentence as to such a person nor sentence such person to pay a fine
26 in lieu of a term of imprisonment, nor shall such person be eligible for parole or
27 probation until such person has served a minimum of forty-eight consecutive
28 hours of imprisonment, unless as a condition of such parole or probation, such
29 person performs at least ten days involving at least forty hours of community
30 service under the supervision of the court in those jurisdictions which have a
31 recognized program for community service. Driving while revoked is a class E
32 felony on the second or subsequent conviction pursuant to section 577.010 or a

33 fourth or subsequent conviction for any other offense. Prior pleas of guilty and
34 prior findings of guilty shall be pleaded and proven in the same manner as
35 required by section 558.021.

36 **3. A person who operates a motor vehicle while such person's**
37 **license is suspended solely pursuant to section 302.341 shall be deemed**
38 **to not have a valid license pursuant to section 302.020.**

302.341. 1. If a Missouri resident charged with a moving traffic violation
2 of this state or any county or municipality of this state fails to dispose of the
3 charges of which the resident is accused through authorized prepayment of fine
4 and court costs and fails to appear on the return date or at any subsequent date
5 to which the case has been continued, or without good cause fails to pay any fine
6 or court costs assessed against the resident for any such violation within the
7 period of time specified or in such installments as approved by the court or as
8 otherwise provided by law, any court having jurisdiction over the charges shall
9 within ten days of the failure to comply inform the defendant by ordinary mail
10 at the last address shown on the court records that the court will order the
11 director of revenue to suspend the defendant's driving privileges if the charges
12 are not disposed of and fully paid within thirty days from the date of
13 mailing. Thereafter, if the defendant fails to timely act to dispose of the charges
14 and fully pay any applicable fines and court costs, the court shall notify the
15 director of revenue of such failure and of the pending charges against the
16 defendant. Upon receipt of this notification, the director shall suspend the
17 license of the driver, effective immediately, and provide notice of the suspension
18 to the driver at the last address for the driver shown on the records of the
19 department of revenue. Such suspension shall remain in effect until the court
20 with the subject pending charge requests setting aside the noncompliance
21 suspension pending final disposition, or satisfactory evidence of disposition of
22 pending charges and payment of fine and court costs, if applicable, is furnished
23 to the director by the individual. The filing of financial responsibility with the
24 bureau of safety responsibility, department of revenue, shall not be required as
25 a condition of reinstatement of a driver's license suspended solely under the
26 provisions of this section.

27 **2. Except as provided in subdivision (5) of section 479.353, the**
28 **provisions of subsection 1 of this section shall not apply to minor traffic violations**
29 **as defined in section 479.350.**

478.001. 1. **For purposes of sections 478.001 to 478.009, the**

2 following terms mean:

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

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

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

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

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

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

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

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

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

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

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

46 **(12) "Treatment court division", a specialized, nonadversarial**
47 **court division with jurisdiction over cases involving substance-involved**
48 **offenders and making extensive use of comprehensive supervision, drug**
49 **or alcohol testing, and treatment services. Treatment court divisions**
50 **include, but are not limited to, the following specialized courts: adult**
51 **treatment court, DWI court, family treatment court, juvenile treatment**
52 **court, veterans treatment court, or any combination thereof;**

53 **(13) "Treatment court team", consists of the following members**
54 **who are assigned to the treatment court: the judge or treatment court**
55 **commissioner, treatment court administrator or coordinator, the**
56 **prosecutor, the public defender or member of the criminal defense bar,**
57 **a representative from the department of probation and parole, a**
58 **representative from law enforcement, substance use disorder treatment**
59 **providers, and any other person selected by the treatment court team;**

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

64 **2. [Drug courts] A treatment court division may be established by**
65 **[any] each circuit court pursuant to sections 478.001 to [478.006] 478.009 to**
66 **provide an alternative for the judicial system to dispose of cases which stem from**
67 **[drug] or are otherwise impacted by substance use. The treatment court**
68 **division shall include, but not be limited to, cases assigned to an adult**
69 **treatment court, DWI court, family treatment court, juvenile treatment**
70 **court, veterans treatment court, or any combination thereof. A [drug]**
71 **treatment court shall combine judicial supervision, drug or alcohol testing and**
72 **treatment of [drug court] participants. Except for good cause found by the court,**
73 **a [drug] treatment court making a referral for substance [abuse] use disorder**
74 **treatment, when such program will receive state or federal funds in connection**
75 **with such referral, shall refer the person only to a program which is certified by**

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

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

86 [2.] **4. Under sections 478.001 to [478.007] 478.009, a DWI [docket]**
87 **court** may be established by a circuit court[, or any county with a charter form
88 of government and with more than six hundred thousand but fewer than seven
89 hundred thousand inhabitants with a county municipal court established under
90 section 66.010,] to provide an alternative for the judicial system to dispose of
91 cases which stem from driving while intoxicated. [A drug court commissioner
92 may serve as a commissioner in a DWI court or any other treatment or
93 problem-solving court as designated by the drug court coordinating
94 commission. Drug court commissioners may serve in counties other than the
95 county they are appointed upon agreement by the presiding judge of that circuit
96 and assignment by the supreme court.]

97 **5. A family treatment court within the treatment court division**
98 **may be established by a circuit court. The juvenile division of the**
99 **circuit court or the family court, if one is established under section**
100 **487.010, may refer one or more parents or other household members**
101 **subject to its jurisdiction to the family treatment court when he or she**
102 **has been determined to have a substance use disorder or co-occurring**
103 **disorder which impacts the safety and well-being of the children in the**
104 **family.**

105 **6. A juvenile treatment court within the treatment court division**
106 **may be established by the juvenile division of any circuit court. The**
107 **juvenile division may refer juveniles to the juvenile treatment court**
108 **when the juvenile is determined to have committed acts that violate the**
109 **criminal laws of the state or ordinances of the municipalities of the**
110 **county and a substance use disorder or co-occurring disorder**
111 **contributed to the commission of the offense.**

112 **7. A veterans treatment court may be established by any circuit**
113 **court, or combination of circuit courts, upon agreement of the**
114 **presiding judges of such circuit courts to provide an alternative for the**
115 **judicial system to dispose of cases which stem from substance use or a**
116 **mental health disorder of military veterans or current military**
117 **personnel. A veterans treatment court shall combine judicial**
118 **supervision, drug or alcohol testing, and substance use and mental**
119 **health treatment to participants who have served or are currently**
120 **serving the United States Armed Forces, including members of the**
121 **Reserves, National Guard, or state guard. Except for good cause found**
122 **by the court, a veterans treatment court shall make a referral for**
123 **substance use or mental health treatment, or a combination of**
124 **substance use and mental health treatment, through the Department of**
125 **Defense health care, the Veterans Administration, or a**
126 **community-based substance use disorder treatment**
127 **program. Community-based programs utilized shall receive state or**
128 **federal funds in connection with such referral and shall only refer the**
129 **individual to a program which is certified by the department of mental**
130 **health, unless no appropriate certified treatment program is located**
131 **within the same county as the veterans treatment court.**

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

17 order, judgment or decree had the same been made by the judge. If so confirmed,
18 the order, judgment or decree shall have the same effect as if made by the judge
19 on the date of its confirmation.

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

25 **3. A treatment court commissioner may serve as a commissioner**
26 **in any treatment as designated by the treatment court coordinating**
27 **commission, subject to local court rules.**

478.004. 1. [As used in this section, "medication-assisted treatment"
2 means the use of pharmacological medications, in combination with counseling
3 and behavioral therapies, to provide a whole patient approach to the treatment
4 of substance use disorders.] **The treatment court team shall, when**
5 **practicable, conduct a meeting prior to each treatment court session to**
6 **discuss and provide updated information regarding the treatment court**
7 **participant. After determining his or her progress or lack thereof, the**
8 **treatment court team shall consider the appropriate incentive or**
9 **sanction to be applied, and the court shall make the final decision**
10 **based on information presented in the meeting.**

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

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

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

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

19 **3. A circuit that has established a treatment court division under**
20 **this chapter may accept participants from any other jurisdiction in this**
21 **state based upon either the residence of the participant in the**
22 **receiving jurisdiction or the unavailability of a treatment court in the**
23 **transferring jurisdiction. The transfer may occur at any time during**
24 **the proceedings including, but not limited to, prior to adjudication and**
25 **during periods when the participant is on probation. The receiving**
26 **court shall have jurisdiction to impose a sentence, including, but not**

27 **limited to, sanctions, incentives, incarceration, and phase changes. A**
28 **transfer under this subsection is not valid unless it is agreed to by all**
29 **of the following:**

- 30 **(1) The parties to the action;**
31 **(2) The judge or commissioner of the transferring court; and**
32 **(3) The judge or commissioner of the receiving treatment court.**

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

36 4. If a **[drug] treatment court [or veterans court]**
37 participant requires treatment for opioid or other substance misuse or
38 dependence, a **[drug] treatment court [or veterans court]** shall not prohibit such
39 participant from participating in and receiving medication-assisted treatment
40 under the care of a physician licensed in this state to practice medicine. A **[drug]**
41 **treatment court [or veterans court]** participant shall not be required to refrain
42 from using medication-assisted treatment as a term or condition of successful
43 completion of the **[drug] treatment court** program.

44 **[3.] 5.** A **[drug] treatment court [or veterans court]** participant assigned
45 to a treatment program for opioid or other substance misuse or dependence shall
46 not be in violation of the terms or conditions of the **[drug] treatment court [or**
47 **veterans court]** on the basis of his or her participation in medication-assisted
48 treatment under the care of a physician licensed in this state to practice
49 medicine.

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

10 2. Any statement made by a participant as part of participation in the
11 **[drug] treatment court** program, or any report made by the staff of the program,
12 shall not be admissible as evidence against the participant in any criminal,
13 juvenile or civil proceeding. Notwithstanding the foregoing, termination from the

14 [drug] **treatment** court program and the reasons for termination may be
15 considered in sentencing or disposition.

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

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

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

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

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

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

25 3. If the division of probation and parole is otherwise unavailable to assist

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

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

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

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

28 4. **The commission, in cooperation with the office of state courts**

29 administrator, shall provide technical assistance to treatment courts to
30 assist them with the implementation of policies and practices
31 consistent with the standards adopted by the commission.

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

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

46 7. Treatment court programs that collect or assess fees shall
47 follow guidelines established by the commission.

48 8. Treatment court programs shall enter data in the approved
49 statewide case management system as specified by the commission.

50 9. There is hereby established in the state treasury a "[Drug] Treatment
51 Court Resources Fund", which shall be administered by the [drug] treatment
52 courts coordinating commission. Funds available for allocation or distribution by
53 the [drug] treatment courts coordinating commission may be deposited into the
54 [drug] treatment court resources fund. Notwithstanding the provisions of
55 section 33.080 to the contrary, moneys in the [drug] treatment court resources
56 fund shall not be transferred or placed to the credit of the general revenue fund
57 of the state at the end of each biennium, but shall remain deposited to the credit
58 of the [drug] treatment court resources fund.

59 10. After a date determined by the commission, funds from the
60 treatment court resources fund shall be awarded only to treatment
61 courts which are in compliance with the standards and practices
62 published by the commission.

478.466. 1. In the sixteenth judicial circuit consisting of the county of
2 Jackson, a majority of the court en banc may appoint one person, who shall
3 possess the same qualifications as an associate circuit judge, to act as [drug]

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

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

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

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

14 3. Beginning January 1, 2007, the family court commissioner position in
15 the twenty-third judicial district appointed under section 487.020 shall become

16 an associate circuit judge position in all respects and shall be designated as
17 division eleven. This position may retain the duties and responsibilities with
18 regard to the family court. The associate circuit judge in division eleven shall be
19 elected in 2006 for a full four-year term. This associate circuit judgeship shall
20 not be included in the statutory formula for authorizing additional associate
21 circuit judgeships per county under section 478.320.

22 4. Beginning January 1, 2007, the **[drug] treatment** court commissioner
23 position in the twenty-third judicial district appointed under section 478.003 shall
24 become an associate circuit judge position in all respects and shall be designated
25 as division twelve. This position may retain the duties and responsibilities with
26 regard to the **[drug] treatment** court. The associate circuit judge in division
27 twelve shall be elected in 2006 for a full four-year term. This associate circuit
28 judgeship shall not be included in the statutory formula for authorizing
29 additional associate circuit judgeships per county under section 478.320.

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

9 2. The circuit judge in division two shall be elected in 1980. The circuit
10 judge in division four shall be elected in 1982. The circuit judge in division one
11 shall be elected in 1984. The circuit judge in division three shall be elected in
12 1992. The circuit judges in divisions five and seven shall be elected for a six-year
13 term in 2006.

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

20 4. Beginning on January 1, 2007, the **[drug] treatment** court
21 commissioner position in the eleventh judicial circuit appointed under section
22 478.003 shall become an associate circuit judge position in all respects and shall

23 be designated as division eleven. This position retains the duties and
24 responsibilities with regard to the [drug] **treatment** court. Such associate circuit
25 judge shall be elected in 2006 for a full four-year term. This associate circuit
26 judgeship shall not be included in the statutory formula for authorizing
27 additional associate circuit judgeships per county under section 478.320.

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

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

479.020. 1. Any city, town or village, including those operating under a
2 constitutional or special charter, may, and cities with a population of four
3 hundred thousand or more shall, provide by ordinance or charter for the selection,
4 tenure and compensation of a municipal judge or judges consistent with the
5 provisions of this chapter who shall have original jurisdiction to hear and
6 determine all violations against the ordinances of the municipality. The method
7 of selection of municipal judges shall be provided by charter or ordinance. Each
8 municipal judge shall be selected for a term of not less than two years as provided
9 by charter or ordinance.

10 2. Except where prohibited by charter or ordinance, the municipal judge
11 may be a part-time judge and may serve as municipal judge in more than one
12 municipality.

13 3. No person shall serve as a municipal judge of any municipality with a
14 population of seven thousand five hundred or more or of any municipality in a
15 county of the first class with a charter form of government unless the person is
16 licensed to practice law in this state unless, prior to January 2, 1979, such person
17 has served as municipal judge of that same municipality for at least two years.

18 4. Notwithstanding any other statute, a municipal judge need not be a
19 resident of the municipality or of the circuit in which the municipal judge serves
20 except where ordinance or charter provides otherwise. Municipal judges shall be
21 residents of Missouri.

22 5. Judges selected under the provisions of this section shall be municipal
23 judges of the circuit court and shall be divisions of the circuit court of the circuit

24 in which the municipality, or major geographical portion thereof, is located. The
25 judges of these municipal divisions shall be subject to the rules of the circuit
26 court which are not inconsistent with the rules of the supreme court. The
27 presiding judge of the circuit shall have general administrative authority over the
28 judges and court personnel of the municipal divisions within the circuit.

29 6. No municipal judge shall hold any other office in the municipality
30 which the municipal judge serves as judge. The compensation of any municipal
31 judge and other court personnel shall not be dependent in any way upon the
32 number of cases tried, the number of guilty verdicts reached or the amount of
33 fines imposed or collected.

34 7. Municipal judges shall be at least twenty-one years of age. No person
35 shall serve as municipal judge after that person has reached that person's
36 seventy-fifth birthday.

37 8. Within six months after selection for the position, each municipal judge
38 who is not licensed to practice law in this state shall satisfactorily complete the
39 course of instruction for municipal judges prescribed by the supreme court. The
40 state courts administrator shall certify to the supreme court the names of those
41 judges who satisfactorily complete the prescribed course. If a municipal judge
42 fails to complete satisfactorily the prescribed course within six months after the
43 municipal judge's selection as municipal judge, the municipal judge's office shall
44 be deemed vacant and such person shall not thereafter be permitted to serve as
45 a municipal judge, nor shall any compensation thereafter be paid to such person
46 for serving as municipal judge.

47 [9. No municipal judge shall serve as a municipal judge in more than five
48 municipalities at one time.]

 479.353. 1. Notwithstanding any provisions to the contrary, the following
2 conditions shall apply to minor traffic violations and municipal ordinance
3 violations:

4 (1) [The court shall not assess a fine, if combined with the amount of
5 court costs, totaling in excess of:

6 (a) Two hundred twenty-five dollars for minor traffic violations; and

7 (b) For municipal ordinance violations committed within a twelve-month
8 period beginning with the first violation: two hundred dollars for the first
9 municipal ordinance violation, two hundred seventy-five dollars for the second
10 municipal ordinance violation, three hundred fifty dollars for the third municipal
11 ordinance violation, and four hundred fifty dollars for the fourth and any

12 subsequent municipal ordinance violations;

13 (2)] The court shall not sentence a person to confinement, except the court
14 may sentence a person to confinement for any violation involving alcohol or
15 controlled substances, violations endangering the health or welfare of others, or
16 eluding or giving false information to a law enforcement officer;

17 [(3)] **(2)** A person shall not be placed in confinement for failure to pay a
18 fine unless such nonpayment violates terms of probation or unless the due process
19 procedures mandated by Missouri supreme court rule 37.65 or its successor rule
20 are strictly followed by the court;

21 [(4)] **(3)** Court costs that apply shall be assessed against the defendant
22 unless the court finds that the defendant is indigent based on standards set forth
23 in determining such by the presiding judge of the circuit. Such standards shall
24 reflect model rules and requirements to be developed by the supreme court; [and]

25 [(5)] **(4)** No court costs shall be assessed if the defendant is found to be
26 indigent under subdivision [(4)] **(3)** of this section or if the case is dismissed; **and**

27 **(5) In the event a person charged with a minor traffic violation**
28 **or municipal ordinance violation fails to appear in court after having**
29 **been summoned to appear, and if the court finds that there is not good**
30 **cause for such nonappearance, then the court may:**

31 **(a) Order the director of the department of revenue to suspend**
32 **the defendant's driving privileges, in accordance with subsection**
33 **302.341;**

34 **(b) Assess a civil penalty, and upon failure to pay such penalty,**
35 **the court may submit the debt to the department of revenue for**
36 **collection through set off against the defendant's Missouri income tax**
37 **refund, in accordance with section 143.783; or**

38 **(c) Order the defendant to complete a period of community**
39 **service.**

40 **2. If an individual has been held in custody on a notice to show**
41 **cause warrant for an underlying minor traffic violation, the court, on**
42 **its own motion or on the motion of any interested party, may review**
43 **the original fine and sentence and waive or reduce such fine or**
44 **sentence if the court finds it reasonable given the circumstances of the**
45 **case.**

479.354. For any notice to appear, citation, or summons on a
2 **minor traffic violation, the date and time the defendant is to appear in**

3 **court shall be given when such notice to appear, citation, or summons**
4 **is first provided to the defendant. Failure to provide such date and**
5 **time shall render such notice to appear, citation, or summons void.**

479.359. 1. Every county, city, town, and village shall annually calculate
2 the percentage of its annual general operating revenue received from fines, bond
3 forfeitures, and court costs for municipal ordinance violations and minor traffic
4 violations, including amended charges for any municipal ordinance violations and
5 minor traffic violations, whether the violation was prosecuted in municipal court,
6 associate circuit court, or circuit court, occurring within the county, city, town, or
7 village. If the percentage is more than thirty percent, the excess amount shall
8 be sent to the director of the department of revenue. The director of the
9 department of revenue shall set forth by rule a procedure whereby excess
10 revenues as set forth in this section shall be sent to the department of
11 revenue. The department of revenue shall distribute these moneys annually to
12 the schools of the county in the same manner that proceeds of all fines collected
13 for any breach of the penal laws of this state are distributed.

14 2. Beginning January 1, 2016, the percentage specified in subsection 1 of
15 this section shall be reduced from thirty percent to twenty percent, unless any
16 county, city, town, or village has a fiscal year beginning on any date other than
17 January first, in which case the reduction shall begin on the first day of the
18 immediately following fiscal year except that any county with a charter form of
19 government and with more than nine hundred fifty thousand inhabitants and any
20 city, town, or village with boundaries found within such county shall be reduced
21 from thirty percent to twelve and one-half percent.

22 3. An addendum to the annual financial report submitted to the state
23 auditor under section 105.145 by the county, city, town, or village that has chosen
24 to have a municipal court division shall contain an accounting of:

25 (1) Annual general operating revenue as defined in section 479.350;

26 (2) The total revenues from fines, bond forfeitures, and court costs for
27 municipal ordinance violations and minor traffic violations occurring within the
28 county, city, town, or village, including amended charges from any municipal
29 ordinance violations and minor traffic violations;

30 (3) The percent of annual general operating revenue from fines, bond
31 forfeitures, and court costs for municipal ordinance violations and minor traffic
32 violations occurring within the county, city, town, or village, including amended
33 charges from any charged municipal ordinance violations and minor traffic

34 violation, charged in the municipal court of that county, city, town, or village; and

35 (4) Said addendum shall be certified and signed by a representative with
36 knowledge of the subject matter as to the accuracy of the addendum contents,
37 under oath and under the penalty of perjury, and witnessed by a notary public.

38 4. On or before December 31, [2015] **2018**, the state auditor shall set forth
39 by rule a procedure for including the addendum information required by this
40 section. The rule shall also allow reasonable opportunity for demonstration of
41 compliance without unduly burdensome calculations **by allowing any county,**
42 **city, town, or village that receives from fines, bond forfeitures, and**
43 **court costs in all municipal court cases during the reporting year in an**
44 **amount that is less than the limit set forth in subsection 2 of this**
45 **section of its annual general operating revenue to file a statement with**
46 **the state auditor confirming such facts, and such statement will**
47 **constitute compliance with the provisions of this section.**

479.360. 1. Every county, city, town, and village shall file with the state
2 auditor, together with its report due under section 105.145, its certification of its
3 substantial compliance signed by its municipal judge with the municipal court
4 procedures set forth in this subsection during the preceding fiscal year. The
5 procedures to be adopted and certified include the following:

6 (1) Defendants in custody pursuant to an initial arrest warrant issued by
7 a municipal court have an opportunity to be heard by a judge in person, by
8 telephone, or video conferencing as soon as practicable and not later than
9 forty-eight hours on minor traffic violations and not later than seventy-two hours
10 on other violations and, if not given that opportunity, are released;

11 (2) Defendants in municipal custody shall not be held more than
12 twenty-four hours without a warrant after arrest;

13 (3) Defendants are not detained in order to coerce payment of fines and
14 costs unless found to be in contempt after strict compliance by the court with the
15 due process procedures mandated by Missouri supreme court rule 37.65 or its
16 successor rule;

17 (4) The municipal court has established procedures to allow indigent
18 defendants to present evidence of their financial condition and takes such
19 evidence into account if determining fines and costs and establishing related
20 payment requirements;

21 (5) The municipal court only assesses fines and costs as authorized by
22 law;

23 (6) No additional charge shall be issued for the failure to appear for a
24 minor traffic violation;

25 (7) The municipal court conducts proceedings in a courtroom that is open
26 to the public and large enough to reasonably accommodate the public, parties,
27 and attorneys;

28 (8) The municipal court makes use of alternative payment plans;

29 (9) The municipal court makes use of community service alternatives [for
30 which no associated costs are charged to the defendant]; and

31 (10) The municipal court has adopted an electronic payment system or
32 payment by mail for the payment of minor traffic violations.

33 2. On or before December 31, [2015] **2018**, the state auditor shall set forth
34 by rule a procedure for including the addendum information required by this
35 section. The rule shall also allow reasonable opportunity for demonstration of
36 compliance.

488.2230. 1. In addition to all other court costs for municipal ordinance
2 violations, any home rule city with more than four hundred thousand inhabitants
3 and located in more than one county may provide for additional court costs in an
4 amount up to seven dollars per case for each municipal ordinance violation case,
5 except that no such additional cost shall be collected in any proceeding involving
6 a violation of an ordinance when the proceeding or defendant has been dismissed
7 by the court.

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

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

488.2250. 1. For all appeal transcripts of testimony given [or proceedings
2 in any circuit court], the court reporter shall receive the sum of three dollars and
3 fifty cents per legal page for the preparation of a paper and an electronic version
4 of the transcript.

5 2. In criminal cases where an appeal is taken by the defendant and it
6 appears to the satisfaction of the court that the defendant is unable to pay the
7 costs of the transcript for the purpose of perfecting the appeal, the court reporter
8 shall receive a fee of two dollars and sixty cents per legal page for the preparation
9 of a paper and an electronic version of the transcript.

10 3. Any judge, in his or her discretion, may order a transcript of all or any
11 part of the evidence or oral proceedings and the court reporter shall receive the
12 sum of two dollars and sixty cents per legal page for the preparation of a paper
13 and an electronic version of the transcript.

14 4. For purposes of this section, a legal page, other than the first page and
15 the final page of the transcript, shall be twenty-five lines, approximately eight
16 and one-half inches by eleven inches in size, with the left-hand margin of
17 approximately one and one-half inches, and with the right-hand margin of
18 approximately one-half inch.

19 5. Notwithstanding any law to the contrary, the payment of court
20 reporter's fees provided in subsections 2 and 3 of this section shall be made by
21 the state upon a voucher approved by the court. The cost to prepare all other
22 transcripts of testimony or proceedings shall be borne by the party requesting
23 their preparation and production, who shall reimburse the court reporter [the
24 sum provided in subsection 1 of this section].

 488.5358. The court administrator of the sixteenth judicial circuit shall,
2 pursuant to section 478.466, charge and collect a surcharge of thirty dollars in all
3 proceedings assigned to the **[drug] treatment** commissioner for disposition,
4 provided that the surcharge shall not be charged in any proceeding when costs
5 are waived or are to be paid by the state, county or municipality. Moneys
6 obtained from such surcharge shall be collected and disbursed in the manner
7 provided by sections 488.010 to 488.020 and payable to the **[drug] treatment**
8 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
4 separate occasions; or
5 (b) Two or more intoxication-related traffic offenses committed on separate
6 occasions where at least one of the intoxication-related traffic offenses is an
7 offense committed in violation of any state law, county or municipal ordinance,
8 any federal offense, or any military offense in which the defendant was operating
9 a vehicle while intoxicated and another person was injured 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
13 separate occasions where at least one of the intoxication-related boating offenses

14 is an offense committed in violation of any state law, county or municipal
15 ordinance, any federal offense, or any military offense in which the defendant was
16 operating a vessel while intoxicated and another person was injured or killed;

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

23 (4) "Court", any circuit, associate circuit, or municipal court, including
24 traffic court, but not any juvenile court or [drug] **treatment** court;

25 (5) "Chronic offender", a person who has been found guilty of:

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

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

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

39 (6) "Chronic boating offender", a person who has been found guilty of:

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

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

46 (c) Two or more intoxication-related boating offenses committed on
47 separate occasions where both intoxication-related boating offenses were offenses
48 committed in violation of any state law, county or municipal ordinance, any
49 federal offense, or any military offense in which the defendant was operating a

50 vessel while intoxicated and another person was injured or killed;

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

56 (8) "Controlled substance", a drug, substance, or immediate precursor in
57 schedules I to V listed in section 195.017;

58 (9) "Drive", "driving", "operates" or "operating", physically driving or
59 operating a vehicle or vessel;

60 (10) "Flight crew member", the pilot in command, copilots, flight
61 engineers, and flight navigators;

62 (11) "Habitual offender", a person who has been found guilty of:

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

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

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

76 (12) "Habitual boating offender", a person who has been found guilty of:

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

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

83 (c) Three or more intoxication-related boating offenses committed on
84 separate occasions where at least two of the intoxication-related boating offenses
85 were offenses committed in violation of any state law, county or municipal

86 ordinance, any federal offense, or any military offense in which the defendant was
87 operating a vessel while intoxicated and another person was injured or killed; or

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

90 a. Cause the death of any person not a passenger in the vessel operated
91 by the defendant, including the death of an individual that results from the
92 defendant's vessel leaving the water; or

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

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

97 (13) "Intoxicated" or "intoxicated condition", when a person is under the
98 influence of alcohol, a controlled substance, or drug, or any combination thereof;

99 (14) "Intoxication-related boating offense", operating a vessel while
100 intoxicated; boating while intoxicated; operating a vessel with excessive blood
101 alcohol content or an offense in which the defendant was operating a vessel while
102 intoxicated and another person was injured or killed in violation of any state law,
103 county or municipal ordinance, any federal offense, or any military offense;

104 (15) "Intoxication-related traffic offense", driving while intoxicated,
105 driving with excessive blood alcohol content, driving under the influence of
106 alcohol or drugs in violation of a state law, county or municipal ordinance, any
107 federal offense, or any military offense, or an offense in which the defendant was
108 operating a vehicle while intoxicated and another person was injured or killed in
109 violation of any state law, county or municipal ordinance, any federal offense, or
110 any military offense;

111 (16) "Law enforcement officer" or "arresting officer", includes the
112 definition of law enforcement officer in section 556.061 and military policemen
113 conducting traffic enforcement operations on a federal military installation under
114 military jurisdiction in the state of Missouri;

115 (17) "Operate a vessel", to physically control the movement of a vessel in
116 motion under mechanical or sail power in water;

117 (18) "Persistent offender", a person who has been found guilty of:

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

120 (b) One intoxication-related traffic offense committed in violation of any
121 state law, county or municipal ordinance, federal offense, or military offense in

122 which the defendant was operating a vehicle while intoxicated and another person
123 was injured or killed;

124 (19) "Persistent boating offender", a person who has been found guilty of:

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

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

131 (20) "Prior offender", a person who has been found guilty of one
132 intoxication-related traffic offense, where such prior offense occurred within five
133 years of the occurrence of the intoxication-related traffic offense for which the
134 person is charged;

135 (21) "Prior boating offender", a person who has been found guilty of one
136 intoxication-related boating offense, where such prior offense occurred within five
137 years of the occurrence of the intoxication-related boating offense for which the
138 person is charged.

**Section 1. In any single county circuit with more than two
2 hundred fifty thousand inhabitants, no individual shall concurrently
3 serve as prosecuting attorney and city attorney for a political
4 subdivision located in that circuit.**

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

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

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

12 3. (1) Each circuit court, which establishes such courts as

13 provided in subsection 1 of this section, shall establish conditions
14 for referral of proceedings to the veterans treatment court; and

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

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

28 (2) The transfer can occur at any time during the
29 proceedings, including, but not limited to, prior to
30 adjudication. The receiving court shall have jurisdiction to impose
31 sentence, including, but not limited to, sanctions, incentives,
32 incarceration, and phase changes.

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

- 35 (a) The defendant or respondent;
36 (b) The attorney representing the defendant or respondent;
37 (c) The judge of the transferring court and the prosecutor
38 of the case; and

39 (d) The judge of the receiving veterans treatment court and
40 the prosecutor of the veterans treatment court.

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

44 5. Any proceeding accepted by the veterans treatment court
45 program for disposition shall be upon agreement of the parties.

46 6. Except for good cause found by the court, a veterans
47 treatment court shall make a referral for substance abuse or
48 mental health treatment, or a combination of substance abuse and

49 mental health treatment, through the Department of Defense
50 health care, the Veterans Administration, or a community-based
51 treatment program. Community-based programs utilized shall
52 receive state or federal funds in connection with such referral and
53 shall only refer the individual to a program which is certified by
54 the Missouri department of mental health, unless no appropriate
55 certified treatment program is located within the same county as
56 the veterans treatment court.

57 7. Any statement made by a participant as part of
58 participation in the veterans treatment court program, or any
59 report made by the staff of the program, shall not be admissible as
60 evidence against the participant in any criminal, juvenile, or civil
61 proceeding. Notwithstanding the foregoing, termination from the
62 veterans treatment court program and the reasons for termination
63 may be considered in sentencing or disposition.

64 8. Notwithstanding any other provision of law to the
65 contrary, veterans treatment court staff shall be provided with
66 access to all records of any state or local government agency
67 relevant to the treatment of any program participant.

68 9. Upon general request, employees of all such agencies
69 shall fully inform a veterans treatment court staff of all matters
70 relevant to the treatment of the participant. All such records and
71 reports and the contents thereof shall:

- 72 (1) Be treated as closed records;
73 (2) Not be disclosed to any person outside of the veterans
74 treatment court;
75 (3) Be maintained by the court in a confidential file not
76 available to the public.

77 10. Upon successful completion of the treatment program,
78 the charges, petition, or penalty against a veterans treatment court
79 participant may be dismissed, reduced, or modified. Any fees
80 received by a court from a defendant as payment for substance
81 abuse or mental health treatment programs shall not be considered
82 court costs, charges, or fines.]

2 [478.551. Any drug court commissioner authorized pursuant
to section 478.001 and appointed in the twenty-third judicial circuit

3 pursuant to section 478.003 shall be a state-funded position.]

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