

SENATE BILL NO. 1370

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLACK.

5353S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 478.001, RSMo, and to enact in lieu thereof one new section relating to mental health treatment courts.

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

Section A. Section 478.001, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 478.001,
3 to read as follows:

478.001. 1. For purposes of sections 478.001 to
2 478.009, the following terms shall mean:

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

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

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

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

16 (5) "Family treatment court", a treatment court
17 focused on addressing a substance use disorder or co-
18 occurring disorder existing in families in the juvenile

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

19 court, family court, or criminal court in which a parent or
20 other household member has been determined to have a
21 substance use disorder or co-occurring disorder that impacts
22 the safety and well-being of the children in the family;

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

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

30 (8) **"Mental health court", a treatment court focused**
31 **on addressing the mental health disorder or co-occurring**
32 **disorder of defendants charged with a criminal offense;**

33 (9) "Mental health disorder", any organic, mental, or
34 emotional impairment that has substantial adverse effects on
35 a person's cognitive, volitional, or emotional function and
36 that constitutes a substantial impairment in a person's
37 ability to participate in activities of normal living;

38 [(9)] (10) "Risk and needs assessment", an actuarial
39 tool, approved by the treatment courts coordinating
40 commission and validated on a targeted population of drug-
41 involved adult offenders, scientifically proven to determine
42 a person's risk to recidivate and to identify criminal risk
43 factors that, when properly addressed, can reduce that
44 person's likelihood of committing future criminal behavior;

45 [(10)] (11) "Substance use disorder", the recurrent
46 use of alcohol or drugs that causes clinically significant
47 impairment, including health problems, disability, and
48 failure to meet major responsibilities at work, school, or
49 home;

50 [(11)] (12) "Treatment court commissioner", a person
51 appointed by a majority of the circuit and associate circuit
52 judges in a circuit to preside as the judicial officer in
53 the treatment court division;

54 [(12)] (13) "Treatment court division", a specialized,
55 nonadversarial court division with jurisdiction over cases
56 involving substance-involved offenders and making extensive
57 use of comprehensive supervision, drug or alcohol testing,
58 and treatment services. Treatment court divisions include,
59 but are not limited to, the following specialized courts:
60 adult treatment court, DWI court, family treatment court,
61 juvenile treatment court, **mental health court**, veterans
62 treatment court, or any combination thereof;

63 [(13)] (14) "Treatment court team", the following
64 members who are assigned to the treatment court: the judge
65 or treatment court commissioner, treatment court
66 administrator or coordinator, prosecutor, public defender or
67 member of the criminal defense bar, a representative from
68 the division of probation and parole, a representative from
69 law enforcement, substance use disorder **or mental health**
70 **disorder** treatment providers, and any other person selected
71 by the treatment court team;

72 [(14)] (15) "Veterans treatment court", a treatment
73 court focused on substance use disorders, co-occurring
74 disorders, or mental health disorders of defendants charged
75 with a criminal offense who are military veterans or current
76 military personnel.

77 2. A treatment court division shall be established,
78 prior to August 28, 2021, by any circuit court pursuant to
79 sections 478.001 to 478.009 to provide an alternative for
80 the judicial system to dispose of cases which stem from, or
81 are otherwise impacted by, a substance use **disorder or**

82 **mental health disorder.** The treatment court division may
83 include, but not be limited to, cases assigned to an adult
84 treatment court, DWI court, family treatment court, juvenile
85 treatment court, **mental health court,** veterans treatment
86 court, or any combination thereof. A treatment court shall
87 combine judicial supervision, drug or alcohol testing, and
88 treatment of participants. Except for good cause found by
89 the court, a treatment court making a referral for substance
90 use disorder **or mental health disorder** treatment, when such
91 program will receive state or federal funds in connection
92 with such referral, shall refer the person only to a program
93 which is certified by the department of mental health,
94 unless no appropriate certified treatment program is located
95 within the same county as the treatment court. Upon
96 successful completion of the treatment court program, the
97 charges, petition, or penalty against a treatment court
98 participant may be dismissed, reduced, or modified, unless
99 otherwise stated. Any fees received by a court from a
100 defendant as payment for substance **or mental health**
101 treatment programs shall not be considered court costs,
102 charges or fines.

103 3. An adult treatment court may be established by any
104 circuit court **[under sections 478.001 to 478.009]** to provide
105 an alternative for the judicial system to dispose of cases
106 which stem from substance use.

107 4. **[Under sections 478.001 to 478.009,]** A DWI court
108 may be established by any circuit court to provide an
109 alternative for the judicial system to dispose of cases that
110 stem from driving while intoxicated.

111 5. A family treatment court may be established by any
112 circuit court. The juvenile division of the circuit court
113 or the family court, if one is established under section

114 487.010, may refer one or more parents or other household
115 members subject to its jurisdiction to the family treatment
116 court if he or she has been determined to have a substance
117 use disorder or co-occurring disorder that impacts the
118 safety and well-being of the children in the family.

119 6. A juvenile treatment court may be established by
120 the juvenile division of any circuit court. The juvenile
121 division may refer a juvenile to the juvenile treatment
122 court if the juvenile is determined to have committed acts
123 that violate the criminal laws of the state or ordinances of
124 a municipality or county and a substance use disorder or co-
125 occurring disorder contributed to the commission of the
126 offense.

127 7. The general assembly finds and declares that it is
128 the public policy of this state to encourage and provide an
129 alternative method for the disposal of cases for military
130 veterans and current military personnel with substance use
131 disorders, mental health disorders, or co-occurring
132 disorders. In order to effectuate this public policy, a
133 veterans treatment court may be established by any circuit
134 court, or combination of circuit courts upon agreement of
135 the presiding judges of such circuit courts, to provide an
136 alternative for the judicial system to dispose of cases that
137 stem from a substance use disorder, mental health disorder,
138 or co-occurring disorder of military veterans or current
139 military personnel. A veterans treatment court shall
140 combine judicial supervision, drug or alcohol testing, and
141 substance use and mental health disorder treatment to
142 participants who have served or are currently serving the
143 United States Armed Forces, including members of the
144 Reserves or National Guard, with preference given to
145 individuals who have combat service. For the purposes of

146 this section, combat service shall be shown through military
147 service documentation that reflects service in a combat
148 theater, receipt of combat service medals, or receipt of
149 imminent danger or hostile fire pay or tax benefits. Except
150 for good cause found by the court, a veterans treatment
151 court shall make a referral for substance use or mental
152 health disorder treatment, or a combination of substance use
153 and mental health disorder treatment, through the Department
154 of Defense health care, the Veterans Administration, or a
155 community-based substance use disorder treatment program.
156 Community-based programs utilized shall receive state or
157 federal funds in connection with such referral and shall
158 only refer the individual to a program certified by the
159 department of mental health, unless no appropriate certified
160 treatment program is located within the same circuit as the
161 veterans treatment court.

162 **8. A mental health court may be established by any**
163 **circuit court to provide an alternative for the judicial**
164 **system to dispose of cases that stem from a mental health**
165 **disorder or co-occurring disorder.**

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