

HOUSE AMENDMENT NO. _____
TO
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Offered By

1 AMEND House Amendment No. _____ to House Committee Substitute for House Bill No. 301,
2 Page 2, Line 7, by inserting after said line the following:

3
4 "Further amend said bill, Page 11, Section 301.3175, Line 32, by inserting after said section and line
5 the following:

6
7 "478.002. 1. Notwithstanding any provision of law, all circuit and associate circuit courts
8 shall offer and utilize a treatment court program to address a substance use disorder prior to a
9 defendant entering a plea in court. The judge shall have discretion to determine on a case-by-case
10 basis whether a defendant qualifies for the treatment court program.

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

15 3. This section shall apply if there is a nexus to a drug offense and only to misdemeanants or
16 first-time felony offenders; except that, this section shall not apply to sexual offenses or to
17 dangerous felonies as defined in section 556.061.

18 478.004. 1. The treatment court team shall, when practicable, conduct a meeting prior to
19 each treatment court session to discuss and provide updated information regarding the treatment
20 court participant. After determining his or her progress or lack thereof, the treatment court team
21 shall consider the appropriate incentive or sanction to be applied, and the court shall make the final
22 decision based on information presented in the meeting.

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

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

28 (2) As a condition of probation; or

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

30
31 If the provisions of section 478.002 are not utilized, the provisions of this subsection may be
32 utilized.

33 3. A circuit that has established a treatment court division under this chapter may accept
34 participants from any other jurisdiction in this state based upon either the residence of the

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1 participant in the receiving jurisdiction or the unavailability of a treatment court in the transferring
2 jurisdiction. The transfer may occur at any time during the proceedings including, but not limited
3 to, prior to adjudication and during periods when the participant is on probation. The receiving
4 court shall have jurisdiction to impose a sentence including, but not limited to, sanctions, incentives,
5 incarceration, and phase changes. A transfer under this subsection is not valid unless it is agreed to
6 by the following:

- 7 (1) The parties to the action;
- 8 (2) The judge or commissioner of the transferring court; and
- 9 (3) The judge or commissioner of the receiving treatment court.

10
11 If the defendant assigned to treatment court is terminated from the treatment court, the case shall be
12 returned to the transferring court for disposition.

13 4. If a treatment court participant requires treatment for opioid or other substance misuse or
14 dependence, a treatment court shall not prohibit such participant from participating in and receiving
15 medication-assisted treatment under the care of a physician licensed in this state to practice
16 medicine. A treatment court participant shall not be required to refrain from using medication-
17 assisted treatment as a term or condition of successful completion of the treatment court program.

18 5. A treatment court participant assigned to a treatment program for opioid or other
19 substance misuse or dependence shall not be in violation of the terms or conditions of the treatment
20 court on the basis of his or her participation in medication-assisted treatment under the care of a
21 physician licensed in this state to practice medicine.; and"; and

22
23 Further amend said bill by amending the title, enacting clause, and intersectional references
24 accordingly.

25
26 THIS AMENDMENT AMENDS 0695H02.33H.