

FIRST REGULAR SESSION

# SENATE BILL NO. 410

92ND GENERAL ASSEMBLY

---

INTRODUCED BY SENATORS SHIELDS AND GOODE.

Read 1st time February 4, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1325S.021

---

## AN ACT

To repeal sections 191.831, 302.540, 577.049, and 577.520, RSMo, and to enact in lieu thereof four new sections relating to substance abuse traffic offender program.

---

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

Section A. Sections 191.831, 302.540, 577.049, and 577.520, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 191.831, 302.540, 577.049, and 577.520, to read as follows:

191.831. 1. There is hereby established in the state treasury a "Health Initiatives Fund", to which shall be deposited all revenues designated for the fund under subsection 8 of sections 149.015, RSMo, and subsection 3 of section 149.160, RSMo, and section 167.609, RSMo, and all other funds donated to the fund or otherwise deposited pursuant to law. The state treasurer shall administer the fund. Money in the fund shall be appropriated to provide funding for implementing the new programs and initiatives established by sections 105.711 and 105.721, RSMo. The moneys in the fund may further be used to fund those programs established by sections 191.411, 191.520 and 191.600, sections 208.151 and 208.152, RSMo, and sections 103.178, RSMo, 143.999, RSMo, 167.600 to 167.621, RSMo, 188.230, RSMo, 191.211, 191.231, 191.825 to 191.839, RSMo, 192.013, RSMo, 208.177, 208.178, 208.179 and 208.181, RSMo, 211.490, RSMo, 285.240, RSMo, 337.093, RSMo, 374.126, RSMo, 376.891 to 376.894, RSMo, 431.064, RSMo, 660.016, 660.017 and 660.018, RSMo; in addition, not less than fifteen percent of the proceeds deposited to the health initiative fund pursuant to sections 149.015 and 149.160, RSMo, shall be appropriated annually to provide funding for the C-STAR substance abuse rehabilitation program of the department of mental health, or its successor program, and a

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

C-STAR pilot project developed by the director of the division of alcohol and drug abuse and the director of the department of corrections as an alternative to incarceration, as provided in subsections 2, 3, and 4 of this section. Such pilot project shall be known as the "Alt-care" program. In addition, [five percent of the] proceeds deposited to the health initiatives fund pursuant to sections 149.015 and 149.160, RSMo, shall be appropriated annually to the division of alcohol and drug abuse of the department of mental health to be used for [a pilot project to provide access to treatment and rehabilitation services by persons referred to such programs by an alcohol or drug related traffic offender education or rehabilitation program pursuant to sections 302.540, RSMo, 577.049 and 577.520, RSMo] **the administration and oversight of the substance abuse traffic offenders program defined in section 302.010, RSMo.** The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in the health initiatives fund shall not be transferred at the close of the biennium to the general revenue fund.

2. The director of the division of alcohol and drug abuse and the director of the department of corrections shall develop and administer a pilot project to provide a comprehensive substance abuse treatment and rehabilitation program as an alternative to incarceration, hereinafter referred to as "Alt-care". Alt-care shall be funded using money provided under subsection 1 of this section through the Missouri Medicaid program, the C-STAR program of the department of mental health, and the division of alcohol and drug abuse's purchase-of-service system. Alt-care shall offer a flexible combination of clinical services and living arrangements individually adapted to each client and her children. Alt-care shall consist of the following components:

- (1) Assessment and treatment planning;
- (2) Community support to provide continuity, monitoring of progress and access to services and resources;
- (3) Counseling from individual to family therapy;
- (4) Day treatment services which include accessibility seven days per week, transportation to and from the Alt-care program, weekly drug testing, leisure activities, weekly events for families and companions, job and education preparedness training, peer support and self-help and daily living skills; and
- (5) Living arrangement options which are permanent, substance-free and conducive to treatment and recovery.

3. Any female who is pregnant or is the custodial parent of a child or children under the age of twelve years, and who has pleaded guilty to or found guilty of violating the provisions of chapter 195, RSMo, and whose controlled substance abuse was a precipitating or contributing factor in the commission of the offense, and who is placed on probation may be required, as a condition of probation, to participate in Alt-care, if space is available in the pilot project area. Determinations of eligibility for the program, placement, and continued participation shall

be made by the division of alcohol and drug abuse, in consultation with the department of corrections.

4. The availability of space in Alt-care shall be determined by the director of the division of alcohol and drug abuse in conjunction with the director of the department of corrections. If the sentencing court is advised that there is no space available, the court shall consider other authorized dispositions.

302.540. 1. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of sections 302.500 to 302.540 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, RSMo, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

2. The fees for the program authorized in subsection 1 of this section, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee [of sixty dollars] to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. The administrator of

the program shall remit to the division of alcohol and drug abuse of the department of mental health **on or before the fifteenth day of each month** the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. **Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provision of section 32.065, RSMo, plus three percentage points.** The supplemental fees **and any interest** received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

**3. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees and interest are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent administrator.**

[3.] 4. Court-ordered participation in a substance abuse traffic offender program, pursuant to section 577.049, RSMo, shall satisfy the requirements of this section if the court action arose out of the same occurrence that resulted in a person's license being administratively suspended or revoked.

[4.] 5. The division of alcohol and drug abuse of the department of mental health may create a treatment demonstration project within existing appropriations and shall develop and certify a program to provide education or rehabilitation services for individuals determined by the division to be serious or repeat offenders. The program shall qualify as a substance abuse traffic offender program. As used in this subsection, a "serious or repeat offender" is one who was determined to have a blood alcohol content of fifteen-hundredths of one percent or more by weight while operating a motor vehicle or a prior or persistent offender as defined in section 577.023, RSMo.

577.049. 1. Upon a plea of guilty or a finding of guilty for an offense of violating the provisions of section 577.010 or 577.012 or violations of county or municipal ordinances involving alcohol or drug related traffic offenses, the court shall order the person to participate in and successfully complete a substance abuse traffic offender program defined in section 577.001.

2. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolling in the program. Any person who [attends] **is enrolled in the**

program shall pay, in addition to any fee charged for the program, a supplemental fee [of sixty dollars] **to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 577.001.** The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health **on or before the fifteenth day of each month** the supplemental fees for all persons enrolled in the program, less two percent for administrative costs. **Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, RSMo, plus three percentage points.** The supplemental fees **and any interest** received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

**3. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees and interest are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent administrator.**

577.520. 1. No person who has had his license suspended or revoked under the provisions of sections 577.500 and 577.505 shall have that license reinstated until he has paid a twenty-dollar reinstatement fee and has successfully completed a substance abuse traffic offender program as defined in section 577.001.

2. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee [of sixty dollars] **to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010, RSMo, or a program determined to be comparable by the department of mental health.** The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health **on or before the fifteenth of each month** the supplemental fees for all persons enrolled in the program, less two percent for administrative costs. **Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the**

annual rates established pursuant to the provisions of section 32.065, RSMo, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

3. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees and interest are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent administrator.

Unofficial

Bill

Copy