

SENATE BILL NO. 276

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

1065S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 217.785, RSMo, relating to the Missouri postconviction drug treatment program.

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

Section A. Section 217.785, RSMo, is repealed, to read as follows:

2 follows:

3 [217.785. 1. As used in this section, the

4 term "Missouri postconviction drug treatment

5 program" means a program of noninstitutional and

6 institutional correctional programs for the

7 monitoring, control and treatment of certain

8 drug abuse offenders.

9 2. The department of corrections shall

10 establish by regulation the "Missouri

11 Postconviction Drug Treatment Program". The

12 program shall include noninstitutional and

13 institutional placement. The institutional

14 phase of the program may include any offender

15 under the supervision and control of the

16 department of corrections. The department shall

17 establish rules determining how, when and where

18 an offender shall be admitted into or removed

19 from the program.

20 3. Any first-time offender who has been

21 found guilty of violating the provisions of

22 chapter 195 or 579, or whose controlled

23 substance abuse was a precipitating or

24 contributing factor in the commission of his

25 offense, and who is placed on probation may be

26 required to participate in the noninstitutional

27 phase of the program, which may include

28 education, treatment and rehabilitation

29 programs. Persons required to attend a program

30 pursuant to this section may be charged a

31 reasonable fee to cover the costs of the

32 program. Failure of an offender to complete

33 successfully the noninstitutional phase of the

34 program shall be sufficient cause for the

35 offender to be remanded to the sentencing court

for assignment to the institutional phase of the

program or any other authorized disposition.

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

36 4. A probationer shall be eligible for
37 assignment to the institutional phase of the
38 postconviction drug treatment program if he has
39 failed to complete successfully the
40 noninstitutional phase of the program. If space
41 is available, the sentencing court may assign
42 the offender to the institutional phase of the
43 program as a special condition of probation,
44 without the necessity of formal revocation of
45 probation.

46 5. The availability of space in the
47 institutional program shall be determined by the
48 department of corrections. If the sentencing
49 court is advised that there is no space
50 available, then the court shall consider other
51 authorized dispositions.

52 6. Any time after ninety days and prior to
53 one hundred twenty days after assignment of the
54 offender to the institutional phase of the
55 program, the department shall submit to the
56 court a report outlining the performance of the
57 offender in the program. If the department
58 determines that the offender will not
59 participate or has failed to complete the
60 program, the department shall advise the
61 sentencing court, who shall cause the offender
62 to be brought before the court for consideration
63 of revocation of the probation or other
64 authorized disposition. If the offender
65 successfully completes the program, the
66 department shall release the individual to the
67 appropriate probation and parole district office
68 and so advise the court.

69 7. Time spent in the institutional phase
70 of the program shall count as time served on the
71 sentence.]

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