

HB 1195 -- ACCELERATED REHABILITATIVE DISPOSITION PILOT PROGRAM

SPONSOR: Cornejo

This bill establishes an Accelerated Rehabilitative Disposition Pilot Program in the St. Louis County, St. Louis City, and Jackson County circuit courts that allows specified defendants to participate in a rehabilitation program of up to two years in lieu of traditional prosecution. In its main provisions, the bill:

- (1) Specifies the requirements in order to qualify for participation in the program;
- (2) Specifies the minimum procedures that the courts must establish;
- (3) Allows a judge assigned to the program discretion to accept or reject a defendant into the program. A judge must also have discretion to release a defendant from the program or to remove him or her due to a violation of the program's conditions;
- (4) Specifies that if the defendant fails to complete the program, he or she will face traditional prosecution and waives the appropriate statute of limitations and his or her right to a speedy trial under any applicable federal or state constitutional provisions, statutes, or rules of court during the period of enrollment in the program;
- (5) Prohibits any information or statements the defendant supplies in an application for the program from being used against him or her for any purpose in any criminal proceeding except a prosecution based on the falsity of the information or statement supplied;
- (6) Requires, except in cases of indigence, the defendant to pay the costs and administrative expenses of the program;
- (7) Requires, upon satisfactorily completing the program, the defendant to petition the court to release him or her and allows the prosecutor 30 days to advise the judge of any objections. If after 30 days, there are no objections filed, the judge must dismiss the charges and expunge the defendant's arrest record. If the prosecutor objects, the court must hold a hearing and decide whether to release the defendant from the program and expunge his record or to continue or dismiss the defendant in the program; and
- (8) Specifies that an appeal must not be allowed if the judge does not accept the case for the program.

These provisions must automatically be implemented statewide after

five years unless the provisions are repealed.