

FIRST REGULAR SESSION

# HOUSE BILL NO. 1209

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CORNEJO.

2584L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 478.007, RSMo, and to enact in lieu thereof one new section relating to alternative disposition of DWI cases.

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

Section A. Section 478.007, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 478.007, to read as follows:

478.007. 1. Any circuit court, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010, may establish a docket or court to provide an alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content and:

(1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent or more by weight of alcohol in such person's blood; or

(2) The person has previously pleaded guilty to or has been found guilty of one or more intoxication-related traffic offenses as defined by section 577.023; or

(3) The person has two or more previous alcohol-related enforcement contacts as defined in section 302.525.

2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol monitoring, substance abuse traffic offender program compliance, and treatment of DWI court participants. The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by a court from a defendant shall not be considered court costs, charges, or fines. This docket or court may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           3. If the division of probation and parole is otherwise unavailable to assist in the judicial  
19 supervision of any person who wishes to enter a DWI court, a court-approved private probation  
20 service may be utilized by the DWI court to fill the division's role. In such case, any and all  
21 necessary additional costs may be assessed against the participant. No person shall be rejected  
22 from participating in DWI court solely for the reason that the person:

23           **(1) Does not reside in the city or county where the applicable DWI court is located; or**

24           **(2) Has a single previous felony conviction that is not classified as a dangerous**  
25 **felony as defined in section 556.061,**

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27 but the DWI court can base acceptance into a treatment court program on its ability to adequately  
28 provide services for the person or handle the additional caseload.

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