

HB 1301 -- ACCELERATED REHABILITATIVE PILOT PROGRAM

SPONSOR: Gardner

This bill creates an accelerated rehabilitative disposition pilot program in St. Louis County, St. Louis City, and Jackson County circuit courts. This program allows screened defendants to successfully complete a rehabilitation program that is no longer than two years in lieu of traditional prosecution.

In its main provisions, the bill:

- (1) Specifies the requirements to participate in the program;
- (2) Specifies procedural minimums that courts must establish;
- (3) Allows judges assigned to the program discretion to accept or reject defendants into the program. Judges assigned to the program also have discretion to release the defendants from the program or to remove them due to a violation of the program's conditions;
- (4) Provides that if the defendant fails the program he or she will face traditional prosecution. The defendant must waive his rights to speedy trial and statute of limitations under federal and state law;
- (5) Provides that any statements the defendant makes in connection with the program cannot be used to prosecute him or her in the event that he or she fails the program;
- (6) Except in cases of indigence, the defendant is required to pay the costs of the program;
- (7) Provides that once the defendant completes the program, he or she must petition the court to release him or her and give the prosecutor 30 days to respond. If after 30 days, the prosecutor does not respond, then the court 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 whether to continue or dismiss the defendant in the program;
- (8) An order of the court regarding the program may not be appealed by the defendant; and
- (9) Specifies that the program will become statewide in five years unless otherwise repealed.