

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 831

91ST GENERAL ASSEMBLY

Reported from the Committee on Civil and Administrative Law, March 29, 2001, with recommendation that the House Committee Substitute for House Bill No. 831 Do Pass.

Taken up for Perfection April 24, 2001. House Committee Substitute for House Bill No. 831 ordered Perfected and printed.

TED WEDEL, Chief Clerk

1873L.03P

AN ACT

To repeal section 595.045, RSMo 2000, relating to the crime victims' compensation fund, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Section 595.045, RSMo 2000, is repealed and three new sections enacted in lieu thereof, to be known as sections 595.045, 650.300, and 650.310, to read as follows:

- 595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of [five] **ten** dollars shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of [five] **ten** dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.
2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, RSMo, and shall be payable to the director of the department of revenue.

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

14 **3.** The director of revenue shall deposit annually the amount of two hundred fifty
15 thousand dollars to the state forensic laboratory account administered by the department of public
16 safety to provide financial assistance to defray expenses of crime laboratories if such analytical
17 laboratories are registered with the federal Drug Enforcement Agency or the Missouri department
18 of health. Subject to appropriations made therefor, such funds shall be distributed by the
19 department of public safety to the crime laboratories serving the courts of this state making
20 analysis of a controlled substance or analysis of blood, breath or urine in relation to a court
21 proceeding.

22 [3.] **4.** The remaining funds collected under subsection 1 of this section **shall be denoted**
23 **to the payment of an annual appropriation for the administrative and operational costs of**
24 **the office for victims of crime and, if a statewide automated crime victim notification**
25 **system is established pursuant to section 650.310, RSMo, to the monthly payment of**
26 **expenditures actually incurred in the operation of such system. Additional remaining**
27 **funds** shall be subject to the following provisions:

28 (1) On the first of every month, the director of revenue or the director's designee shall
29 determine the balance of the funds in the crime victims' compensation fund available to satisfy
30 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
31 595.050 and 595.055;

32 (2) Beginning on October 1, 1996, and on the first of each month, if the balance of the
33 funds available exceeds one million dollars plus one hundred percent of the previous twelve
34 months' actual expenditures, excluding the immediate past calendar month's expenditures, paid
35 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the
36 director of revenue or the director's designee shall deposit fifty percent to the credit of the crime
37 victims' compensation fund and fifty percent to the services to victims' fund established in
38 section 595.100;

39 (3) Beginning on October 1, 1996, and on the first of each month, if the balance of the
40 funds available is less than one million dollars plus one hundred percent of the previous twelve
41 months' actual expenditures, excluding the immediate past calendar month's expenditures, paid
42 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the
43 director of revenue or the director's designee shall deposit seventy-five percent to the credit of
44 the crime victims' compensation fund and twenty-five percent to the services to victims' fund
45 established in section 595.100.

46 [4.] **5.** The director of revenue or such director's designee shall at least monthly report
47 the moneys paid pursuant to this section into the crime victims' compensation fund and the
48 services to victims fund to the division of workers' compensation and the department of public
49 safety, respectively.

50 [5.] 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of
51 this section shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo.
52 Five percent of such moneys shall be payable to the city treasury of the city from which such
53 funds were collected.

54 The remaining ninety-five percent of such moneys shall be payable to the director of revenue.
55 The funds received by the director of revenue pursuant to this subsection shall be distributed as
56 follows:

57 (1) On the first of every month, the director of revenue or the director's designee shall
58 determine the balance of the funds in the crime victims' compensation fund available to satisfy
59 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
60 595.050 and 595.055;

61 (2) Beginning on October 1, 1996, and on the first of each month, if the balance of the
62 funds available exceeds one million dollars plus one hundred percent of the previous twelve
63 months' actual expenditures, excluding the immediate past calendar month's expenditures, paid
64 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the
65 director of revenue or the director's designee shall deposit fifty percent to the credit of the crime
66 victims' compensation fund and fifty percent to the services to victims' fund established in
67 section 595.100;

68 (3) Beginning on October 1, 1996, and on the first of each month, if the balance of the
69 funds available is less than one million dollars plus one hundred percent of the previous twelve
70 months' actual expenditures, excluding the immediate past calendar month's expenditures, paid
71 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the
72 director of revenue or the director's designee shall deposit seventy-five percent to the credit of
73 the crime victims' compensation fund and twenty-five percent to the services to victims' fund
74 established in section 595.100.

75 [6.] 7. These funds shall be subject to a biennial audit by the Missouri state auditor.
76 Such audit shall include all records associated with crime victims' compensation funds collected,
77 held or disbursed by any state agency.

78 [7.] 8. In addition to the moneys collected pursuant to subsection 1 of this section, the
79 court shall enter a judgment in favor of the state of Missouri, payable to the crime victims'
80 compensation fund, of sixty-eight dollars if the conviction is for a class A or B felony; forty-six
81 dollars if the conviction is for a class C or D felony; and ten dollars if the conviction is for any
82 misdemeanor under the following Missouri laws:

83 (1) Chapter 195, RSMo, relating to drug regulations;

84 (2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed
85 by persons not duly licensed by the supervisor of liquor control;

- 86 (3) Chapter 491, RSMo, relating to witnesses;
87 (4) Chapter 565, RSMo, relating to offenses against the person;
88 (5) Chapter 566, RSMo, relating to sexual offenses;
89 (6) Chapter 567, RSMo, relating to prostitution;
90 (7) Chapter 568, RSMo, relating to offenses against the family;
91 (8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;
92 (9) Chapter 570, RSMo, relating to stealing and related offenses;
93 (10) Chapter 571, RSMo, relating to weapons offenses;
94 (11) Chapter 572, RSMo, relating to gambling;
95 (12) Chapter 573, RSMo, relating to pornography and related offenses;
96 (13) Chapter 574, RSMo, relating to offenses against public order;
97 (14) Chapter 575, RSMo, relating to offenses against the administration of justice;
98 (15) Chapter 577, RSMo, relating to public safety offenses.
99

100 Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse
101 such crime victims' compensation judgments in the manner provided by sections 488.010 to
102 488.020, RSMo. Such funds shall be payable to the state treasury and deposited to the credit of
103 the crime victims' compensation fund.

104 [8.] **9.** The clerk of the court processing such funds shall maintain records of all
105 dispositions described in subsection 1 of this section and all dispositions where a judgment has
106 been entered against a defendant in favor of the state of Missouri in accordance with this section;
107 all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion
108 of a judgment entered but not collected. These records shall be subject to audit by the state
109 auditor. The clerk of each court transmitting such funds shall report separately the amount of
110 dollars collected on judgments entered for alcohol-related traffic offenses from other crime
111 victims' compensation collections or services to victims collections.

112 [9.] **10.** The clerks of the court shall report all delinquent payments to the department of
113 revenue by October first of each year for the preceding fiscal year, and such sums may be
114 withheld pursuant to subsection [14] **15** of this section.

115 [10.] **11.** The department of revenue shall maintain records of funds transmitted to the
116 crime victims' compensation fund by each reporting court and collections pursuant to subsection
117 [17] **18** of this section and shall maintain separate records of collection for alcohol-related
118 offenses.

119 [11.] **12.** Notwithstanding any other provision of law to the contrary, the provisions of
120 subsections [8 and 9] **9 and 10** of this section shall expire and be of no force and effect upon the
121 effective date of the supreme court rule adopted pursuant to sections 488.010 to 488.020, RSMo.

122 [12.] **13.** The state courts administrator shall include in the annual report required by
123 section 476.350, RSMo, the circuit court caseloads and the number of crime victims'
124 compensation judgments entered.

125 [13.] **14.** All awards made to injured victims under sections 595.010 to 595.105 and all
126 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
127 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
128 remaining in the crime victims' compensation fund at the end of each biennium shall not be
129 subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended
130 balance to the ordinary revenue fund of the state, but shall remain in the crime victims'
131 compensation fund. In the event that there are insufficient funds in the crime victims'
132 compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there
133 are no funds in the crime victims' compensation fund, then no claim shall be paid until funds
134 have again accumulated in the crime victims' compensation fund. When sufficient funds become
135 available from the fund, awards which have not been paid shall be paid in chronological order
136 with the oldest paid first. In the event an award was to be paid in installments and some
137 remaining installments have not been paid due to a lack of funds, then when funds do become
138 available that award shall be paid in full. All such awards on which installments remain due
139 shall be paid in full in chronological order before any other postdated award shall be paid. Any
140 award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid
141 due to a lack of funds in the crime victims' compensation fund.

142 [14.] **15.** When judgment is entered against a defendant as provided in this section and
143 such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
144 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to
145 such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be
146 paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall
147 be entered on the court record. Under no circumstances shall the general revenue fund be used
148 to reimburse court costs or pay for such judgment. The director of the department of corrections
149 shall have the authority to pay into the crime victims' compensation fund from an offender's
150 compensation or account the amount owed by the offender to the crime victims' compensation
151 fund, provided that the offender has failed to pay the amount owed to the fund prior to entering
152 a correctional facility of the department of corrections.

153 [15.] **16.** All interest earned as a result of investing funds in the crime victims'
154 compensation fund shall be paid into the crime victims' compensation fund and not into the
155 general revenue of this state.

156 [16.] **17.** Any person who knowingly makes a fraudulent claim or false statement in
157 connection with any claim hereunder is guilty of a class A misdemeanor.

158 [17.] 18. Any gifts, contributions, grants or federal funds specifically given to the
159 division for the benefit of victims of crime shall be credited to the crime victims' compensation
160 fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal
161 crime victims' compensation laws, rules, regulations or other applicable federal guidelines.

650.300. As used in sections 650.300 to 650.310, the following terms shall mean:

- 2 (1) "Catastrophic crime", a violation of section 569.070, RSMo;
- 3 (2) "Office", the office for victims of crime;
- 4 (3) "Private agency", a private agency as defined in section 595.010, RSMo;
- 5 (4) "Public agency", a public agency as defined in section 595.010, RSMo;
- 6 (5) "Victim of crime", a person afforded rights as a victim or entitled to
7 compensation or services as a victim pursuant to chapter 595, RSMo.

650.310. 1. The office of victims of crime is hereby established within the
2 **department of public safety, for the purpose of promoting the fair and just treatment of**
3 **victims of crime. The office shall coordinate and promote the state's program for victims**
4 **of crime and shall provide channels of communication among public and private agencies**
5 **and in exercising the rights afforded to victims of crime pursuant to chapter 595, RSMo,**
6 **and the Missouri Constitution. In the event of a catastrophic crime the office shall, or upon**
7 **the receipt of a specific request the office may, work closely with other state and local**
8 **agencies to coordinate a response to meet the needs of any resulting victims of crime.**

9 **2. The office for victims of crime shall coordinate efforts with statewide coalitions**
10 **or organizations that are involved in efforts to provide assistance to victims of crime and**
11 **to reduce the incidence of domestic violence, sexual assault or other crime victimization.**
12 **The office shall consult with such coalitions or organizations as to more efficient and**
13 **effective coordination and delivery of services to victims of crime.**

14 **3. The office for victims of crime shall assess and report to the governor the costs**
15 **and benefits of establishing a statewide automated crime victim notification system within**
16 **the criminal justice system and shall serve as the coordinating agency for the development,**
17 **implementation and maintenance of any such system.**

18 **4. The department of public safety may promulgate administrative rules to**
19 **implement this section, and any such rule that is wholly procedural and without fiscal**
20 **impact shall be deemed to satisfy the requirements of section 536.016, RSMo.**