

FIRST REGULAR SESSION

HOUSE BILL NO. 357

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LIPKE (Sponsor), JOLLY, DUSENBERG,
HUBBARD AND FLOOK (Co-sponsors).

Read 1st time January 26, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1071L.011

AN ACT

To repeal section 595.045, RSMo, and to enact in lieu thereof one new section relating to the crime victims' compensation fund.

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

Section A. Section 595.045, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 595.045, to read as follows:

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of seven dollars and fifty cents 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 seven dollars and fifty cents 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 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.

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

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

29 (1) On the first of every month, the director of revenue or the director's designee shall
30 determine the balance of the funds in the crime victims' compensation fund available to satisfy
31 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
32 595.050 and 595.055;

33 (2) Beginning on September 1, 2004, and on the first of each month, the director of
34 revenue or the director's designee shall deposit fifty percent of the balance of funds available to
35 the credit of the crime victims' compensation fund and fifty percent to the services to victims'
36 fund established in section 595.100.

37 5. The director of revenue or such director's designee shall at least monthly report the
38 moneys paid pursuant to this section into the crime victims' compensation fund and the services
39 to victims fund to the division of workers' compensation and the department of public safety,
40 respectively.

41 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this
42 section shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo.
43 Five percent of such moneys shall be payable to the city treasury of the city from which such
44 funds were collected. The remaining ninety-five percent of such moneys shall be payable to the
45 director of revenue. The funds received by the director of revenue pursuant to this subsection
46 shall be distributed as follows:

47 (1) On the first of every month, the director of revenue or the director's designee shall
48 determine the balance of the funds in the crime victims' compensation fund available to satisfy
49 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
50 595.050 and 595.055;

51 (2) Beginning on September 1, 2004, and on the first of each month the director of
52 revenue or the director's designee shall deposit fifty percent of the balance of funds available to
53 the credit of the crime victims' compensation fund and fifty percent to the services to victims'
54 fund established in section 595.100.

55 7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such
56 audit shall include all records associated with crime victims' compensation funds collected, held
57 or disbursed by any state agency.

58 8. In addition to the moneys collected pursuant to subsection 1 of this section, the court
59 shall enter a judgment in favor of the state of Missouri, payable to the crime victims'
60 compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class
61 A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C or D felony;
62 and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under Missouri
63 law except for those in chapter 252, RSMo, relating to fish and game, **chapter 301, RSMo,**
64 **relating to registration and licensing of motor vehicles,** chapter 302, RSMo, relating to
65 drivers' and commercial drivers' license, chapter 303, RSMo, relating to motor vehicle financial
66 responsibility, chapter 304, RSMo, relating to traffic regulations, chapter 306, RSMo, relating
67 to watercraft regulation and licensing, and chapter 307, RSMo, relating to vehicle equipment
68 regulations **and chapter 390, RSMo, relating to motor carriers and express companies.** Any
69 clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such
70 crime victims' compensation judgments in the manner provided by sections 488.010 to 488.020,
71 RSMo. Such funds shall be payable to the state treasury and deposited to the credit of the crime
72 victims' compensation fund.

73 9. The clerk of the court processing such funds shall maintain records of all dispositions
74 described in subsection 1 of this section and all dispositions where a judgment has been entered
75 against a defendant in favor of the state of Missouri in accordance with this section; all payments
76 made on judgments for alcohol-related traffic offenses; and any judgment or portion of a
77 judgment entered but not collected. These records shall be subject to audit by the state auditor.
78 The clerk of each court transmitting such funds shall report separately the amount of dollars
79 collected on judgments entered for alcohol-related traffic offenses from other crime victims'
80 compensation collections or services to victims collections.

81 10. The department of revenue shall maintain records of funds transmitted to the crime
82 victims' compensation fund by each reporting court and collections pursuant to subsection 16 of
83 this section and shall maintain separate records of collection for alcohol-related offenses.

84 11. The state courts administrator shall include in the annual report required by section
85 476.350, RSMo, the circuit court caseloads and the number of crime victims' compensation
86 judgments entered.

87 12. All awards made to injured victims under sections 595.010 to 595.105 and all
88 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
89 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
90 remaining in the crime victims' compensation fund at the end of each biennium shall not be
91 subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended
92 balance to the ordinary revenue fund of the state, but shall remain in the crime victims'
93 compensation fund. In the event that there are insufficient funds in the crime victims'
94 compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there
95 are no funds in the crime victims' compensation fund, then no claim shall be paid until funds
96 have again accumulated in the crime victims' compensation fund. When sufficient funds become
97 available from the fund, awards which have not been paid shall be paid in chronological order
98 with the oldest paid first. In the event an award was to be paid in installments and some
99 remaining installments have not been paid due to a lack of funds, then when funds do become
100 available that award shall be paid in full. All such awards on which installments remain due
101 shall be paid in full in chronological order before any other postdated award shall be paid. Any
102 award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid
103 due to a lack of funds in the crime victims' compensation fund.

104 13. When judgment is entered against a defendant as provided in this section and such
105 sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
106 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to
107 such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be
108 paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall
109 be entered on the court record. Under no circumstances shall the general revenue fund be used
110 to reimburse court costs or pay for such judgment. The director of the department of corrections
111 shall have the authority to pay into the crime victims' compensation fund from an offender's
112 compensation or account the amount owed by the offender to the crime victims' compensation
113 fund, provided that the offender has failed to pay the amount owed to the fund prior to entering
114 a correctional facility of the department of corrections.

115 14. All interest earned as a result of investing funds in the crime victims' compensation
116 fund shall be paid into the crime victims' compensation fund and not into the general revenue of
117 this state.

118 15. Any person who knowingly makes a fraudulent claim or false statement in
119 connection with any claim hereunder is guilty of a class A misdemeanor.

120 16. Any gifts, contributions, grants or federal funds specifically given to the division for
121 the benefit of victims of crime shall be credited to the crime victims' compensation fund.

122 Payment or expenditure of moneys in such funds shall comply with any applicable federal crime
123 victims' compensation laws, rules, regulations or other applicable federal guidelines.