

HOUSE _____ AMENDMENT NO. _____

Offered By _____

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808,
Page 24, Section 473.742, Line 63, by inserting after all of said section and line the following:

“559.100. 1. The circuit courts of this state shall have power, herein provided, to place on probation or to parole persons convicted of any offense over which they have jurisdiction, except as otherwise provided in sections 195.275 to 195.296, RSMo, section 558.018, RSMo, section 559.115, section 565.020, RSMo, sections 566.030, 566.060, 566.067, 566.151, and 566.213, RSMo, section 571.015, RSMo, and subsection 3 of section 589.425, RSMo.

2. The circuit court shall have the power to revoke the probation or parole previously granted and commit the person to the department of corrections. The circuit court shall determine any conditions of probation or parole for the defendant that it deems necessary to ensure the successful completion of the probation or parole term, including the extension of any term of supervision for any person while on probation or parole. The circuit court may require that the defendant pay restitution for his crime. The probation or parole may be revoked for failure to pay restitution or for failure to conform his behavior to the conditions imposed by the circuit court. The circuit court may, in its discretion, credit any period of probation or parole as time served on a sentence.

3. Restitution, whether court ordered as provided in subsection 2 of this section or agreed to by the parties, or as enforced under section 558.011, shall be paid through the office of the prosecuting attorney or circuit attorney. Nothing in this section shall prohibit the prosecuting attorney or circuit attorney from contracting with or utilizing another entity for the collection of restitution and costs under this section. When ordered by the court, interest shall be allowed under subsection 1 of section 408.040. In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action to collect restitution shall collect from the person paying restitution an administrative handling cost. The cost shall be twenty-five dollars for restitution less than one hundred dollars and fifty dollars for restitution of one hundred dollars but less than two hundred fifty dollars. For restitution of two hundred fifty dollars or more an additional fee of ten percent of the total restitution shall be assessed, with a maximum fee for

1 administrative handling costs not to exceed seventy-five dollars total. In addition to the
2 administrative handling costs, an installment cost shall be assessed in the amount of two dollars
3 per installment, excepting the first installment, until such total amount of restitution is paid in full.
4 Notwithstanding the provisions of sections 50.525 to 50.745, the costs provided for in this
5 subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be
6 expended by the prosecuting attorney or circuit attorney. This fund shall be known as the
7 "Administrative Handling Cost Fund", and it shall be the fund for deposits under this section and
8 under section 570.120. The funds shall be expended, upon warrants issued by the prosecuting
9 attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes
10 related to that authorized by subsection 4 of this section. Notwithstanding the provisions of any
11 other law, in addition to the administrative handling cost, the prosecuting attorney or circuit
12 attorney shall collect an additional cost of five dollars per each crime victim to whom restitution is
13 paid for deposit to the Missouri office of prosecution services fund established in subsection 2 of
14 section 56.765. All moneys collected under this section which are payable to the Missouri office
15 of prosecution services fund shall be transmitted at least monthly by the county treasurer to the
16 director of revenue who shall deposit the amount collected to the credit of the Missouri office of
17 prosecution services fund under the procedure established under subsection 2 of section 56.765.
18 As used in this subsection, "crime victim" means any natural person or their survivors or legal
19 guardians, the estate of a deceased person, a for-profit corporation or business entity, a nonprofit
20 corporation or entity, a charitable entity, or any governmental body or a political subdivision
21 thereof.

22 4. The moneys deposited in the administrative handling cost fund may be used by the
23 prosecuting attorney or circuit attorney for office supplies, postage, books, training, office
24 equipment, capital outlay, expenses of trial and witness preparation, additional employees for the
25 staff of the prosecuting or circuit attorney, employees' salaries, and for other lawful expenses
26 incurred by the prosecuting or circuit attorney in the operation of that office.

27 5. The administrative handling cost fund may be audited by the state auditor's office or the
28 appropriate auditing agency.

29 6. If the moneys collected and deposited into the administrative handling cost fund are not
30 totally expended annually, then the unexpended balance shall remain in the fund and the balance
31 shall be kept in the fund to accumulate from year to year.

32 7. Nothing in this section shall be construed to prohibit a crime victim from pursuing
33 other lawful remedies against a defendant for restitution.

34 559.105. 1. Any person who has been found guilty [of] or has pled guilty [to a violation
35 of subdivision (2) of subsection 1 of section 569.080, RSMo, or paragraph (a) of subdivision (3)
36 of subsection 3 of section 570.030, RSMo,] to an offense may be ordered by the court to make

1 restitution to the victim for the victim's losses due to such offense. Restitution pursuant to this
2 section shall include, but not be limited to[, the following:

3 (1)] a victim's reasonable expenses to participate in the prosecution of the crime[;

4 (2) A victim's payment for any repairs or replacement of the motor vehicle, watercraft, or
5 aircraft; and

6 (3) A victim's costs associated with towing or storage fees for the motor vehicle caused by
7 the acts of the defendant].

8 2. No person ordered by the court to pay restitution pursuant to this section shall be
9 released from probation until such restitution is complete. If full restitution is not made within the
10 original term of probation, the court shall order the maximum term of probation allowed for such
11 offense.

12 3. Any person eligible to be released on parole [for a violation of subdivision (2) of
13 subsection 1 of section 569.080, RSMo, or paragraph (a) of subdivision (3) of subsection 3 of
14 section 570.030, RSMo, may] shall be required, as a condition of parole, to make restitution
15 pursuant to this section. The board of probation and parole shall not release any person from any
16 term of parole for such offense until the person has completed such restitution, or until the
17 maximum term of parole for such offense has been served.

18 4. The court may set an amount of restitution to be paid by the defendant. Said amount
19 may be taken from the inmate's account at the department of corrections while the defendant is
20 incarcerated. Upon conditional release or parole, if any amount of such court-ordered restitution
21 is unpaid, the payment of the unpaid balance may be collected as a condition of conditional
22 release or parole by the prosecuting attorney or circuit attorney under section 559.100. The
23 prosecuting attorney or circuit attorney may refer any failure to make such restitution as a
24 condition of conditional release or parole to the parole board for enforcement.

25 570.120. 1. A person commits the crime of passing a bad check when:

26 (1) With purpose to defraud, the person makes, issues or passes a check or other similar
27 sight order or any other form of presentment involving the transmission of account information
28 for the payment of money, knowing that it will not be paid by the drawee, or that there is no such
29 drawee; or

30 (2) The person makes, issues, or passes a check or other similar sight order or any other
31 form of presentment involving the transmission of account information for the payment of money,
32 knowing that there are insufficient funds in or on deposit with that account for the payment of
33 such check, sight order, or other form of presentment involving the transmission of account
34 information in full and all other checks, sight orders, or other forms of presentment involving the
35 transmission of account information upon such funds then outstanding, or that there is no such

1 account or no drawee and fails to pay the check or sight order or other form of presentment
2 involving the transmission of account information within ten days after receiving actual notice in
3 writing that it has not been paid because of insufficient funds or credit with the drawee or because
4 there is no such drawee.

5 2. As used in subdivision (2) of subsection 1 of this section, "actual notice in writing"
6 means notice of the nonpayment which is actually received by the defendant. Such notice may
7 include the service of summons or warrant upon the defendant for the initiation of the prosecution
8 of the check or checks which are the subject matter of the prosecution if the summons or warrant
9 contains information of the ten-day period during which the instrument may be paid and that
10 payment of the instrument within such ten-day period will result in dismissal of the charges. The
11 requirement of notice shall also be satisfied for written communications which are tendered to the
12 defendant and which the defendant refuses to accept.

13 3. The face amounts of any bad checks passed pursuant to one course of conduct within
14 any ten-day period may be aggregated in determining the grade of the offense.

15 4. Passing bad checks is a class A misdemeanor, unless:

16 (1) The face amount of the check or sight order or the aggregated amounts is five hundred
17 dollars or more; or

18 (2) The issuer had no account with the drawee or if there was no such drawee at the time
19 the check or order was issued, in which cases passing bad checks is a class C felony.

20 5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney or
21 circuit attorney who takes any action pursuant to the provisions of this section shall collect from
22 the issuer in such action an administrative handling cost. The cost shall be twenty-five dollars for
23 checks of less than one hundred dollars, and fifty dollars for checks of one hundred dollars but
24 less than two hundred fifty dollars. For checks of two hundred fifty dollars or more an additional
25 fee of ten percent of the face amount shall be assessed, with a maximum fee for administrative
26 handling costs not to exceed seventy-five dollars total. Notwithstanding the provisions of sections
27 50.525 to 50.745, RSMo, the costs provided for in this subsection shall be deposited by the county
28 treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit
29 attorney. This fund shall be known as the "Administrative Handling Cost Fund", and it shall be
30 the fund for deposits under this section and under section 559.100. The funds shall be expended,
31 upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue
32 checks thereon, only for purposes related to that previously authorized in this section. Any
33 revenues that are not required for the purposes of this section may be placed in the general
34 revenue fund of the county or city not within a county. Notwithstanding any law to the contrary,
35 in addition to the administrative handling cost, the prosecuting attorney or circuit attorney shall
36 collect an additional cost of five dollars per check for deposit to the Missouri office of prosecution

1 services fund established in subsection 2 of section 56.765, RSMo. All moneys collected
2 pursuant to this section which are payable to the Missouri office of prosecution services fund shall
3 be transmitted at least monthly by the county treasurer to the director of revenue who shall deposit
4 the amount collected pursuant to the credit of the Missouri office of prosecution services fund
5 under the procedure established pursuant to subsection 2 of section 56.765, RSMo.

6 (2) The moneys deposited in the administrative handling cost fund may be used by the
7 prosecuting or circuit attorney for office supplies, postage, books, training, office equipment,
8 capital outlay, expenses of trial and witness preparation, additional employees for the staff of the
9 prosecuting or circuit attorney, employees' salaries, and for other lawful expenses incurred by the
10 circuit or prosecuting attorney in operation of that office.

11 (3) [This] The administrative handling cost fund may be audited by the state auditor's
12 office or the appropriate auditing agency.

13 (4) If the moneys collected and deposited into [this] the administrative handling cost fund
14 are not totally expended annually, then the unexpended balance shall remain in said fund and the
15 balance shall be kept in said fund to accumulate from year to year.

16 6. Notwithstanding any other provision of law to the contrary:

17 (1) In addition to the administrative handling costs provided for in subsection 5 of this
18 section, the prosecuting attorney or circuit attorney may collect from the issuer, in addition to the
19 face amount of the check, a reasonable service charge, which along with the face amount of the
20 check, shall be turned over to the party to whom the bad check was issued;

21 (2) If a check that is dishonored or returned unpaid by a financial institution is not referred
22 to the prosecuting attorney or circuit attorney for any action pursuant to the provisions of this
23 section, the party to whom the check was issued, or his or her agent or assignee, or a holder, may
24 collect from the issuer, in addition to the face amount of the check, a reasonable service charge,
25 not to exceed twenty-five dollars, plus an amount equal to the actual charge by the depository
26 institution for the return of each unpaid or dishonored instrument.

27 7. When any financial institution returns a dishonored check to the person who deposited
28 such check, it shall be in substantially the same physical condition as when deposited, or in such
29 condition as to provide the person who deposited the check the information required to identify
30 the person who wrote the check.”; and
31

32 Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said section and line
33 the following:

34
35 “Section C. The emergency clause contained in Section B of this act shall not apply to sections
36 559.100, 559.105, and 570.120 of Section A of this act.”; and

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3 Further amend said bill by amending the title, enacting clause, and intersectional references
4 accordingly.