

SECOND REGULAR SESSION

# HOUSE BILL NO. 1869

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SCHARNHORST.

4116L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 488.5050, RSMo, and to enact in lieu thereof one new section relating to DNA profiling analysis, with an emergency clause.

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

Section A. Section 488.5050, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 488.5050, to read as follows:

488.5050. 1. In addition to any other surcharges authorized by statute, the clerk of each court of this state shall collect the surcharges provided for in subsection 2 of this section.

2. A surcharge of thirty dollars shall be assessed as costs in each circuit court proceeding filed within this state in all criminal cases in which the defendant pleads guilty [or nolo contendere to] , **is found guilty** or is convicted of a felony, except when the defendant pleads guilty or is found guilty of a class B felony, class A felony, or an unclassified felony, under chapter 195, RSMo, in which case, the surcharge shall be sixty dollars. A surcharge of fifteen dollars shall be assessed as costs in each court proceeding filed within this state in all **other** criminal cases, except for traffic violations cases in which the defendant pleads guilty [or nolo contendere to] , **is found guilty** or is convicted of a misdemeanor.

3. Notwithstanding any other provisions of law, 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, and shall be payable to the state treasurer.

4. [If in the immediate previous fiscal year, the state's general revenue did not increase by two percent or more, the state treasurer shall deposit such moneys or other gifts, grants, or moneys received on a monthly basis into the state general revenue fund. Otherwise the state

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.

17 treasurer shall deposit such moneys in accordance with the provisions of subsection 5 of this  
18 section.

19 5.] The state treasurer shall deposit such moneys or other gifts, grants, or moneys  
20 received on a monthly basis into the "DNA Profiling Analysis Fund", which is hereby created  
21 in the state treasury. The fund shall be administered by the department of public safety. The  
22 moneys deposited into the DNA profiling analysis fund shall be used only [for DNA profiling  
23 analysis of convicted offender samples performed] **by the highway patrol crime lab** to fulfill  
24 the purposes of the DNA profiling system pursuant to section 650.052, RSMo. Notwithstanding  
25 the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at  
26 the end of the biennium shall not revert to the credit of the general revenue fund.

27 [6.] 5. The provisions of subsections 1 and 2 of this section shall expire on August 28,  
28 2013.

Section B. Because immediate action is necessary to ensure the continued operation of  
2 the DNA profiling system which dramatically contributes to the safety of citizens of this state  
3 and others, section A of this act is deemed necessary for the immediate preservation of the public  
4 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the  
5 meaning of the constitution, and section A of this act shall be in full force and effect upon its  
6 passage and approval.

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