

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 351, Page 10, Section 221.240, Line 7, by
2 inserting immediately after all of said section and line the following:

3
4 "252.069. Any agent of the conservation commission may enforce the provisions of sections
5 577.070 and 577.080 and arrest violators only upon the water, the banks thereof, or upon public
6 land.

7 479.170. 1. If, in the progress of any trial before a municipal judge, it shall appear to the
8 judge that the accused ought to be put upon trial for an offense against the criminal laws of the state
9 and not cognizable before him as municipal judge, he shall immediately stop all further proceedings
10 before him as municipal judge and cause the complaint to be made before some associate circuit
11 judge within the county.

12 2. For purposes of this section, any offense involving the operation of a motor vehicle in an
13 intoxicated condition as defined in section 577.001 shall not be cognizable in municipal court, if the
14 defendant has been convicted, found guilty, or pled guilty to two or more previous intoxication-
15 related traffic offenses as defined in section ~~[577.023]~~ 577.001, or has had two or more previous
16 alcohol-related enforcement contacts as defined in section 302.525.

17 488.029. There shall be assessed and collected a surcharge of one hundred fifty dollars in all
18 criminal cases for any violation of chapter 195 or chapter 579 in which a crime laboratory makes
19 analysis of a controlled substance, but no such surcharge shall be assessed when the costs are
20 waived or are to be paid by the state or when a criminal proceeding or the defendant has been
21 dismissed by the court. The moneys collected by clerks of the courts pursuant to the provisions of
22 this section shall be collected and disbursed as provided by sections 488.010 to 488.020. All such
23 moneys shall be payable to the director of revenue, who shall deposit all amounts collected pursuant
24 to this section to the credit of the state forensic laboratory account to be administered by the
25 department of public safety pursuant to section 650.105.

26 557.035. 1. For all violations of section 565.054 or 565.090, subdivision (1) of subsection 1
27 of section 569.100, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section
28 571.030, which the state believes to be knowingly motivated because of race, color, religion,
29 national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the
30 offense or offenses under this section, and the violation is a class D felony.

31 2. For all violations of section ~~[565.054]~~ 565.056; ~~[subdivisions (1), (3) and (4) of~~
32 ~~subsection 1 of section 565.090;~~ subdivision (1) of subsection 1 of section 569.090; subdivision (1)
33 of subsection 1 of section 569.120; section 569.140; or section 574.050; which the state believes to
34 be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or
35 disability of the victim or victims, the state may charge the offense or offenses under this section,
36 and the violation is a class E felony.

Action Taken _____ Date _____

3. The court shall assess punishment in all of the cases in which the state pleads and proves any of the motivating factors listed in this section.

565.076. 1. A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and:

(1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim;

(2) With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument;

(3) The person purposely places such domestic victim in apprehension of immediate physical injury by any means;

(4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim;

(5) The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. The offense of domestic assault in the fourth degree is a class A misdemeanor, unless the person has previously been found guilty of the offense of domestic assault [of a domestic victim], of any assault offense under this chapter, or of any offense against a domestic victim committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which if committed in this state two or more times[-] would be a violation of this section, in which case it is a class E felony. The offenses described in this subsection may be against the same domestic victim or against different domestic victims.

565.091. 1. A person commits the offense of harassment in the second degree if he or she, without good cause, engages in any act with the purpose to cause emotional distress to another person.

2. The offense of harassment in the second degree is a class A misdemeanor, unless the person has previously pleaded guilty to or been found guilty of a violation of this section, of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which if committed in this state would be chargeable or indictable as a violation of any offense listed in this subsection, in which case it is a class E felony.

3. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violations of federal, state, county, or municipal law.

566.010. As used in this chapter and chapter 568, the following terms mean:

(1) "Aggravated sexual offense", any sexual offense, in the course of which, the actor:

(a) Inflicts serious physical injury on the victim; [or]

(b) Displays a deadly weapon or dangerous instrument in a threatening manner; [or]

(c) Subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person; [or]

(d) Had previously been found guilty of an offense under this chapter or under section 573.200, child used in sexual performance; section 573.205, promoting sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography; or section 573.040, furnishing pornographic materials to minors; or has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this chapter or said sections;

(e) Commits the offense as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity; or

(f) Engages in the act that constitutes the offense with a person the actor knows to be, without regard to legitimacy, the actor's:

- a. Ancestor or descendant by blood or adoption;
- b. Stepchild while the marriage creating that relationship exists;
- c. Brother or sister of the whole or half blood; or
- d. Uncle, aunt, nephew, or niece of the whole blood;

(2) "Commercial sex act", any sex act on account of which anything of value is given to or received by any person;

(3) "Deviate sexual intercourse", any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

(4) "Forced labor", a condition of servitude induced by means of:

(a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not enter into or continue the servitude, such person or another person will suffer substantial bodily harm or physical restraint; or

(b) The abuse or threatened abuse of the legal process;

(5) "Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact;

(6) "Sexual contact", any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

(7) "Sexual intercourse", any penetration, however slight, of the female genitalia by the penis.

575.280. 1. A person commits the offense of acceding to corruption if he or she:

(1) Is a judge, juror, special master, referee or arbitrator and knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding that it will influence his or her official action in a judicial proceeding pending in any court or before such official or juror;

(2) Is a witness or prospective witness in any official proceeding and knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding that he or she will disobey a subpoena or other legal process, absent himself or herself, avoid subpoena or other legal process, withhold evidence, information or documents, or testify falsely.

2. The offense of acceding to corruption under subdivision [(2)] (1) of subsection 1 of this section ~~[is a class A misdemeanor. The offense, when committed under subdivision (1) of subsection 1 of this section,]~~ is a class C felony~~[- unless the offense is committed in a felony prosecution, or on the representation or understanding of testifying falsely, in which case it is a class E felony].~~ The offense of acceding to corruption under subdivision (2) of subsection 1 of this section in a felony prosecution or on the representation or understanding of testifying falsely is a class D felony. Otherwise acceding to corruption is a class A misdemeanor.

577.001. As used in this chapter, the following terms mean:

(1) "Aggravated offender", a person who has been found guilty of:

(a) Three or more intoxication-related traffic offenses committed on separate occasions; or

(b) Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the

1 defendant was operating a vehicle while intoxicated and another person was injured or killed;

2 (2) "Aggravated boating offender", a person who has been found guilty of:

3 (a) Three or more intoxication-related boating offenses; or

4 (b) Two or more intoxication-related boating offenses committed on separate occasions
5 where at least one of the intoxication-related boating offenses is an offense committed in violation
6 of any state law, county or municipal ordinance, any federal offense, or any military offense in
7 which the defendant was operating a vessel while intoxicated and another person was injured or
8 killed;

9 (3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-
10 highway use which is fifty inches or less in width, with an unladen dry weight of one thousand
11 pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be
12 straddled by the operator, or with a seat designed to carry more than one person, and handlebars for
13 steering control;

14 (4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but not
15 any juvenile court or drug court;

16 (5) "Chronic offender", a person who has been found guilty of:

17 (a) Four or more intoxication-related traffic offenses committed on separate occasions; or

18 (b) Three or more intoxication-related traffic offenses committed on separate occasions
19 where at least one of the intoxication-related traffic offenses is an offense committed in violation of
20 any state law, county or municipal ordinance, any federal offense, or any military offense in which
21 the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

22 (c) Two or more intoxication-related traffic offenses committed on separate occasions where
23 both intoxication-related traffic offenses were offenses committed in violation of any state law,
24 county or municipal ordinance, any federal offense, or any military offense in which the defendant
25 was operating a vehicle while intoxicated and another person was injured or killed;

26 (6) "Chronic boating offender", a person who has been found guilty of:

27 (a) Four or more intoxication-related boating offenses; or

28 (b) Three or more intoxication-related boating offenses committed on separate occasions
29 where at least one of the intoxication-related boating offenses is an offense committed in violation
30 of any state law, county or municipal ordinance, any federal offense, or any military offense in
31 which the defendant was operating a vessel while intoxicated and another person was injured or
32 killed; or

33 (c) Two or more intoxication-related boating offenses committed on separate occasions
34 where both intoxication-related boating offenses were offenses committed in violation of any state
35 law, county or municipal ordinance, any federal offense, or any military offense in which the
36 defendant was operating a vessel while intoxicated and another person was injured or killed;

37 (7) "Continuous alcohol monitoring", automatically testing breath, blood, or transdermal
38 alcohol concentration levels and tampering attempts at least once every hour, regardless of the
39 location of the person who is being monitored, and regularly transmitting the data. Continuous
40 alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of
41 section 217.690;

42 (8) "Controlled substance", a drug, substance, or immediate precursor in schedules I to V
43 listed in section 195.017;

44 (9) "Drive", "driving", "operates" or "operating", [means] physically driving or operating a
45 vehicle or vessel;

46 (10) "Flight crew member", the pilot in command, copilots, flight engineers, and flight
47 navigators;

48 (11) "Habitual offender", a person who has been found guilty of:

1 (a) Five or more intoxication-related traffic offenses committed on separate occasions; or
 2 (b) Four or more intoxication-related traffic offenses committed on separate occasions
 3 where at least one of the intoxication-related traffic offenses is an offense committed in violation of
 4 any state law, county or municipal ordinance, any federal offense, or any military offense in which
 5 the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

6 (c) Three or more intoxication-related traffic offenses committed on separate occasions
 7 where at least two of the intoxication-related traffic offenses were offenses committed in violation
 8 of any state law, county or municipal ordinance, any federal offense, or any military offense in
 9 which the defendant was operating a vehicle while intoxicated and another person was injured or
 10 killed; ~~or~~

11 ~~—— (d) While driving while intoxicated, the defendant acted with criminal negligence to:~~

12 ~~—— a. Cause the death of any person not a passenger in the vehicle operated by the defendant,~~
 13 ~~including the death of an individual that results from the defendant's vehicle leaving a highway, as~~
 14 ~~defined by section 301.010, or the highway's right-of-way; or~~

15 ~~—— b. Cause the death of two or more persons; or~~

16 ~~—— c. Cause the death of any person while he or she has a blood alcohol content of at least~~
 17 ~~eighteen-hundredths of one percent by weight of alcohol in such person's blood;]~~

18 (12) "Habitual boating offender", a person who has been found guilty of:

19 (a) Five or more intoxication-related boating offenses; or

20 (b) Four or more intoxication-related boating offenses committed on separate occasions
 21 where at least one of the intoxication-related boating offenses is an offense committed in violation
 22 of any state law, county or municipal ordinance, any federal offense, or any military offense in
 23 which the defendant was operating a vessel while intoxicated and another person was injured or
 24 killed; or

25 (c) Three or more intoxication-related boating offenses committed on separate occasions
 26 where at least two of the intoxication-related boating offenses were offenses committed in violation
 27 of any state law, county or municipal ordinance, any federal offense, or any military offense in
 28 which the defendant was operating a vessel while intoxicated and another person was injured or
 29 killed; or

30 (d) While boating while intoxicated, the defendant acted with criminal negligence to:

31 a. Cause the death of any person not a passenger in the vessel operated by the defendant,
 32 including the death of an individual that results from the defendant's vessel leaving the water; or

33 b. Cause the death of two or more persons; or

34 c. Cause the death of any person while he or she has a blood alcohol content of at least
 35 eighteen-hundredths of one percent by weight of alcohol in such person's blood;

36 (13) "Intoxicated" or "intoxicated condition", when a person is under the influence of
 37 alcohol, a controlled substance, or drug, or any combination thereof;

38 (14) "Intoxication-related boating offense", operating a vessel while intoxicated; boating
 39 while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which the
 40 defendant was operating a vessel while intoxicated and another person was injured or killed in
 41 violation of any state law, county or municipal ordinance, any federal offense, or any military
 42 offense;

43 (15) "Intoxication-related traffic offense", driving while intoxicated, driving with excessive
 44 blood alcohol content, driving under the influence of alcohol or drugs in violation of a state law,
 45 county or municipal ordinance, any federal offense, or any military offense, or an offense in which
 46 the defendant was operating a vehicle while intoxicated and another person was injured or killed in
 47 violation of any state law, county or municipal ordinance, any federal offense, or any military
 48 offense;

(16) "Law enforcement officer" or "arresting officer", includes the definition of law enforcement officer in section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri;

(17) "Operate a vessel", to physically control the movement of a vessel in motion under mechanical or sail power in water;

(18) "Persistent offender", a person who has been found guilty of:

(a) Two or more intoxication-related traffic offenses committed on separate occasions; or

(b) One intoxication-related traffic offense committed in violation of any state law, county or municipal ordinance, federal offense, or military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(19) "Persistent boating offender", a person who has been found guilty of:

(a) Two or more intoxication-related boating offenses committed on separate occasions; or

(b) One intoxication-related boating offense committed in violation of any state law, county or municipal ordinance, federal offense, or military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(20) "Prior offender", a person who has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged;

(21) "Prior boating offender", a person who has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.

577.010. 1. A person commits the offense of driving while intoxicated if he or she operates a vehicle while in an intoxicated condition.

2. The offense of driving while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior offender; or

(b) A person less than seventeen years of age is present in the vehicle;

(3) A class E felony if:

(a) The defendant is a persistent offender; or

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;

(4) A class D felony if:

(a) The defendant is an aggravated offender;

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or

(c) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;

(5) A class C felony if:

(a) The defendant is a chronic offender;

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or

(c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of another person;

(6) A class B felony if:

(a) The defendant is a habitual offender; [Ø]

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel;

1 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the
 2 death of any person not a passenger in the vehicle operated by the defendant, including the death of
 3 an individual that results from the defendant's vehicle leaving a highway, as defined in section
 4 301.010, or the highway's right-of-way;

5 (d) While driving while intoxicated, the defendant acts with criminal negligence to cause
 6 the death of two or more persons; or

7 (e) While driving while intoxicated, the defendant acts with criminal negligence to cause the
 8 death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of
 9 one percent by weight of alcohol in such person's blood;

10 (7) A class A felony if the defendant ~~[is a habitual offender as a result of being]~~ has
 11 previously been found guilty of an [act described under paragraph (d) of subdivision (11) of section
 12 577.001] offense under paragraphs (a) to (e) of subdivision (6) of this subsection and is found guilty
 13 of a subsequent violation of such [paragraph] paragraphs.

14 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of
 15 the offense of driving while intoxicated as a first offense shall not be granted a suspended
 16 imposition of sentence:

17 (1) Unless such person shall be placed on probation for a minimum of two years; or

18 (2) In a circuit where a DWI court or docket created under section 478.007 or other court-
 19 ordered treatment program is available, and where the offense was committed with fifteen-
 20 hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual
 21 participates and successfully completes a program under such DWI court or docket or other court-
 22 ordered treatment program.

23 4. If a person is found guilty of a second or subsequent offense of driving while intoxicated,
 24 the court may order the person to submit to a period of continuous alcohol monitoring or verifiable
 25 breath alcohol testing performed a minimum of four times per day as a condition of probation.

26 5. If a person is not granted a suspended imposition of sentence for the reasons described in
 27 subsection 3 of this section:

28 (1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of
 29 one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be
 30 not less than forty-eight hours;

31 (2) If the individual operated the vehicle with greater than twenty-hundredths of one percent
 32 by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than
 33 five days.

34 6. A person found guilty of the offense of driving while intoxicated:

35 (1) As a prior offender, persistent offender, aggravated offender, chronic offender, or
 36 habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a
 37 fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

38 (2) As a prior offender shall not be granted parole or probation until he or she has served a
 39 minimum of ten days imprisonment:

40 (a) Unless as a condition of such parole or probation such person performs at least thirty
 41 days of community service under the supervision of the court in those jurisdictions which have a
 42 recognized program for community service; or

43 (b) The offender participates in and successfully completes a program established under
 44 section 478.007 or other court-ordered treatment program, if available, and as part of either
 45 program, the offender performs at least thirty days of community service under the supervision of
 46 the court;

47 (3) As a persistent offender shall not be eligible for parole or probation until he or she has
 48 served a minimum of thirty days imprisonment:

1 (a) Unless as a condition of such parole or probation such person performs at least sixty
2 days of community service under the supervision of the court in those jurisdictions which have a
3 recognized program for community service; or

4 (b) The offender participates in and successfully completes a program established under
5 section 478.007 or other court-ordered treatment program, if available, and as part of either
6 program, the offender performs at least sixty days of community service under the supervision of
7 the court;

8 (4) As an aggravated offender shall not be eligible for parole or probation until he or she has
9 served a minimum of sixty days imprisonment;

10 (5) As a chronic or habitual offender shall not be eligible for parole or probation until he or
11 she has served a minimum of two years imprisonment; and

12 (6) Any probation or parole granted under this subsection may include a period of
13 continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four
14 times per day.

15 595.045. 1. There is established in the state treasury the "Crime Victims' Compensation
16 Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court
17 proceeding filed in any court in the state in all criminal cases including violations of any county
18 ordinance or any violation of criminal or traffic laws of the state, including an infraction and
19 violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in
20 any court when the proceeding or the defendant has been dismissed by the court or when costs are to
21 be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents shall be
22 assessed as costs in a juvenile court proceeding in which a child is found by the court to come
23 within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

24 2. Notwithstanding any other provision of law to the contrary, the moneys collected by
25 clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and
26 disbursed in accordance with sections 488.010 to 488.020 and shall be payable to the director of the
27 department of revenue.

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

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

40 (1) On the first of every month, the director of revenue or the director's designee shall
41 determine the balance of the funds in the crime victims' compensation fund available to satisfy the
42 amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
43 595.050 and 595.055;

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

48 5. The director of revenue or such director's designee shall at least monthly report the

1 moneys paid pursuant to this section into the crime victims' compensation fund and the services to
2 victims fund to the department of public safety.

3 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this
4 section shall be collected and disbursed as provided by sections 488.010 to 488.020. Five percent of
5 such moneys shall be payable to the city treasury of the city from which such funds were collected.
6 The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The
7 funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

8 (1) On the first of every month, the director of revenue or the director's designee shall
9 determine the balance of the funds in the crime victims' compensation fund available to satisfy the
10 amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
11 595.050 and 595.055;

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

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

19 8. In addition to the moneys collected pursuant to subsection 1 of this section, the court
20 shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation
21 fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class A or B felony;
22 forty-six dollars upon a plea of guilty or finding of guilt for a class C ~~or~~, D, or E felony; and ten
23 dollars upon a plea of guilty or a finding of guilt for any misdemeanor under Missouri law except
24 for those in chapter 252 relating to fish and game, chapter 302 relating to drivers' and commercial
25 drivers' license, chapter 303 relating to motor vehicle financial responsibility, chapter 304 relating to
26 traffic regulations, chapter 306 relating to watercraft regulation and licensing, and chapter 307
27 relating to vehicle equipment regulations. Any clerk of the court receiving moneys pursuant to such
28 judgments shall collect and disburse such crime victims' compensation judgments in the manner
29 provided by sections 488.010 to 488.020. Such funds shall be payable to the state treasury and
30 deposited to the credit of the crime victims' compensation fund.

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

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

42 11. The state courts administrator shall include in the annual report required by section
43 476.350 the circuit court caseloads and the number of crime victims' compensation judgments
44 entered.

45 12. All awards made to injured victims under sections 595.010 to 595.105 and all
46 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
47 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
48 remaining in the crime victims' compensation fund at the end of each biennium shall not be subject

to the provision of section 33.080 requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

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

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

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

16. The department may receive gifts and contributions for the benefit of crime victims. Such gifts and contributions shall be credited to the crime victims' compensation fund as used solely for compensating victims under the provisions of sections 595.010 to 595.075."; and

Further amend said bill and page, Section B, Line 2, by inserting immediately after all of said section and line the following:

"Section C. Because immediate action is necessary to prevent a delay in the implementation of revisions made to the criminal code, the repeal and reenactment of sections 479.170, 488.029, 557.035, 565.076, 565.091, 566.010, 575.280, 577.001, 577.010, and 595.045 of this act and the enactment of section 252.069 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 479.170, 488.029, 557.035, 565.076, 565.091, 566.010, 575.280, 577.001, 577.010, and 595.045 of this act and the enactment of section 252.069 of this act shall be in full force and effect upon its passage and approval."; and

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