

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 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.

26 488.5050. 1. In addition to any other surcharges authorized by statute, the clerk of each
27 court of this state shall collect the surcharges provided for in subsection 2 of this section.

28 2. A surcharge of thirty dollars shall be assessed as costs in each circuit court proceeding
29 filed within this state in all criminal cases in which the defendant is found guilty of a felony, except
30 when the defendant is found guilty of a class B felony, class A felony, or an unclassified felony,
31 under chapter 195 or chapter 579, in which case, the surcharge shall be sixty dollars. A surcharge of
32 fifteen dollars shall be assessed as costs in each court proceeding filed within this state in all other
33 criminal cases, except for traffic violation cases in which the defendant is found guilty of a
34 misdemeanor.

35 3. Notwithstanding any other provisions of law, the moneys collected by clerks of the courts
36 pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in

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1 accordance with sections 488.010 to 488.020, and shall be payable to the state treasurer.

2 4. The state treasurer shall deposit such moneys or other gifts, grants, or moneys received
3 on a monthly basis into the "DNA Profiling Analysis Fund", which is hereby created in the state
4 treasury. The fund shall be administered by the department of public safety. The moneys deposited
5 into the DNA profiling analysis fund shall be used only by the highway patrol crime lab to fulfill
6 the purposes of the DNA profiling system pursuant to section 650.052. Notwithstanding the
7 provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the
8 biennium shall not revert to the credit of the general revenue fund.

9 5. The provisions of subsections 1 and 2 of this section shall expire on August 28, 2019.

10 557.035. 1. For all violations of section 565.054 or 565.090, subdivision (1) of subsection 1
11 of section 569.100, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section
12 571.030, which the state believes to be knowingly motivated because of race, color, religion,
13 national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the
14 offense or offenses under this section, and the violation is a class D felony.

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

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

23 565.076. 1. A person commits the offense of domestic assault in the fourth degree if the act
24 involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and:

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

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

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

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

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

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

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

45 565.091. 1. A person commits the offense of harassment in the second degree if he or she,
46 without good cause, engages in any act with the purpose to cause emotional distress to another
47 person.

48 2. The offense of harassment in the second degree is a class A misdemeanor, unless the

1 person has previously pleaded guilty to or been found guilty of a violation of this section, of any
 2 offense committed in violation of any county or municipal ordinance in any state, any state law, any
 3 federal law, or any military law which if committed in this state would be chargeable or indictable
 4 as a violation of any offense listed in this subsection, in which case it is a class E felony.

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

8 566.010. As used in this chapter and chapter 568, the following terms mean:

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

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

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

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

14 (d) Had previously been found guilty of an offense under this chapter or under section
 15 573.200, child used in sexual performance; section 573.205, promoting sexual performance by a
 16 child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child
 17 pornography in the first degree; section 573.035, promoting child pornography in the second
 18 degree; section 573.037, possession of child pornography; or section 573.040, furnishing
 19 pornographic materials to minors; or has previously been found guilty of an offense in another
 20 jurisdiction which would constitute an offense under this chapter or said sections;

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

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

25 a. Ancestor or descendant by blood or adoption;

26 b. Stepchild while the marriage creating that relationship exists;

27 c. Brother or sister of the whole or half blood; or

28 d. Uncle, aunt, nephew, or niece of the whole blood;

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

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

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

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

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

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

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

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

47 575.280. 1. A person commits the offense of acceding to corruption if he or she:

48 (1) Is a judge, juror, special master, referee or arbitrator and knowingly solicits, accepts, or

1 agrees to accept any benefit, direct or indirect, on the representation or understanding that it will
 2 influence his or her official action in a judicial proceeding pending in any court or before such
 3 official or juror;

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

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

15 577.001. As used in this chapter, the following terms mean:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 (b) Three or more intoxication-related boating offenses committed on separate occasions

1 where at least one of the intoxication-related boating offenses is an offense committed in violation
 2 of any state law, county or municipal ordinance, any federal offense, or any military offense in
 3 which the defendant was operating a vessel while intoxicated and another person was injured or
 4 killed; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 killed; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 577.010. 1. A person commits the offense of driving while intoxicated if he or she operates
43 a vehicle while in an intoxicated condition.

44 2. The offense of driving while intoxicated is:

45 (1) A class B misdemeanor;

46 (2) A class A misdemeanor if:

47 (a) The defendant is a prior offender; or

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

- 1 (3) A class E felony if:
 2 (a) The defendant is a persistent offender; or
 3 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
 4 physical injury to another person;
 5 (4) A class D felony if:
 6 (a) The defendant is an aggravated offender;
 7 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
 8 physical injury to a law enforcement officer or emergency personnel; or
 9 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause
 10 serious physical injury to another person;
 11 (5) A class C felony if:
 12 (a) The defendant is a chronic offender;
 13 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
 14 serious physical injury to a law enforcement officer or emergency personnel; or
 15 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the
 16 death of another person;
 17 (6) A class B felony if:
 18 (a) The defendant is a habitual offender; ~~or~~
 19 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
 20 the death of a law enforcement officer or emergency personnel;
 21 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the
 22 death of any person not a passenger in the vehicle operated by the defendant, including the death of
 23 an individual that results from the defendant's vehicle leaving a highway, as defined in section
 24 301.010, or the highway's right-of-way;
 25 (d) While driving while intoxicated, the defendant acts with criminal negligence to cause
 26 the death of two or more persons; or
 27 (e) While driving while intoxicated, the defendant acts with criminal negligence to cause the
 28 death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of
 29 one percent by weight of alcohol in such person's blood;
 30 (7) A class A felony if the defendant ~~[is a habitual offender as a result of being]~~ has
 31 previously been found guilty of an [act described under paragraph (d) of subdivision (11) of section
 32 577.001] offense under paragraphs (a) to (e) of subdivision (6) of this subsection and is found guilty
 33 of a subsequent violation of such [paragraph] paragraphs.
 34 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of
 35 the offense of driving while intoxicated as a first offense shall not be granted a suspended
 36 imposition of sentence:
 37 (1) Unless such person shall be placed on probation for a minimum of two years; or
 38 (2) In a circuit where a DWI court or docket created under section 478.007 or other court-
 39 ordered treatment program is available, and where the offense was committed with fifteen-
 40 hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual
 41 participates and successfully completes a program under such DWI court or docket or other court-
 42 ordered treatment program.
 43 4. If a person is found guilty of a second or subsequent offense of driving while intoxicated,
 44 the court may order the person to submit to a period of continuous alcohol monitoring or verifiable
 45 breath alcohol testing performed a minimum of four times per day as a condition of probation.
 46 5. If a person is not granted a suspended imposition of sentence for the reasons described in
 47 subsection 3 of this section:
 48 (1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of

1 one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be
2 not less than forty-eight hours;

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

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

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

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

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

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

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

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

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

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

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

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

35 595.045. 1. There is established in the state treasury the "Crime Victims' Compensation
36 Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court
37 proceeding filed in any court in the state in all criminal cases including violations of any county
38 ordinance or any violation of criminal or traffic laws of the state, including an infraction and
39 violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in
40 any court when the proceeding or the defendant has been dismissed by the court or when costs are to
41 be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents shall be
42 assessed as costs in a juvenile court proceeding in which a child is found by the court to come
43 within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

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

48 3. The director of revenue shall deposit annually the amount of two hundred fifty thousand

dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health and senior services. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

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

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

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

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

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

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

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

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

8. In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C ~~or~~ D, or E felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under Missouri law except for those in chapter 252 relating to fish and game, chapter 302 relating to drivers' and commercial drivers' license, chapter 303 relating to motor vehicle financial responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to watercraft regulation and licensing, and chapter 307 relating to vehicle equipment regulations. Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner

1 provided by sections 488.010 to 488.020. Such funds shall be payable to the state treasury and
2 deposited to the credit of the crime victims' compensation fund.

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

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

14 11. The state courts administrator shall include in the annual report required by section
15 476.350 the circuit court caseloads and the number of crime victims' compensation judgments
16 entered.

17 12. All awards made to injured victims under sections 595.010 to 595.105 and all
18 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
19 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
20 remaining in the crime victims' compensation fund at the end of each biennium shall not be subject
21 to the provision of section 33.080 requiring the transfer of such unexpended balance to the ordinary
22 revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event
23 that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all
24 claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation
25 fund, then no claim shall be paid until funds have again accumulated in the crime victims'
26 compensation fund. When sufficient funds become available from the fund, awards which have not
27 been paid shall be paid in chronological order with the oldest paid first. In the event an award was
28 to be paid in installments and some remaining installments have not been paid due to a lack of
29 funds, then when funds do become available that award shall be paid in full. All such awards on
30 which installments remain due shall be paid in full in chronological order before any other postdated
31 award shall be paid. Any award pursuant to this subsection is specifically not a claim against the
32 state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

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

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

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

1 16. The department may receive gifts and contributions for the benefit of crime victims.
2 Such gifts and contributions shall be credited to the crime victims' compensation fund as used solely
3 for compensating victims under the provisions of sections 595.010 to 595.075."; and
4

5 Further amend said bill and page, Section B, Line 2, by inserting immediately after said section and
6 line the following:
7

8 " Section C. Because immediate action is necessary to prevent a delay in the implementation
9 of revisions made to the criminal code, the repeal and reenactment of sections 479.170, 488.029,
10 488.5050, 557.035, 565.076, 565.091, 566.010, 575.280, 577.001, 577.010, and 595.045 of this act
11 and the enactment of section 252.069 of this act is deemed necessary for the immediate preservation
12 of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
13 within the meaning of the constitution, and the repeal and reenactment of sections 479.170,
14 488.029, 488.5050, 557.035, 565.076, 565.091, 566.010, 575.280, 577.001, 577.010, and 595.045
15 of this act and the enactment of section 252.069 of this act shall be in full force and effect upon its
16 passage and approval."; and
17

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