

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By _____

1 AMEND House Amendment No. _____ to Senate Substitute for Senate Committee Substitute for
2 Senate Bill Nos. 189, 36 & 37, Page 6, Lines 14-30, by deleting said lines from the amendment; and
3
4 Further amend said amendment, Page 13, Lines 31-42, and Page 14, Line 1, by deleting said lines
5 and inserting in lieu thereof the following:
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7 "307.018. 1. Notwithstanding any other provision of law, no court shall issue a warrant of
8 arrest for a person's failure to respond, pay the fine assessed, or appear in court with respect to a
9 traffic citation issued for an infraction under the provisions of this chapter. In lieu of such warrant
10 of arrest, the court shall issue a notice of failure to respond, pay the fine assessed, or appear, and the
11 court shall schedule a second court date for the person to respond, pay the fine assessed, or appear.
12 A copy of the court's notice with the new court date shall be sent to the driver of the vehicle. If the
13 driver fails to respond, pay the fine assessed, or appear on the second court date, the court shall issue
14 a second notice of failure to respond, pay the fine assessed, or appear. If the driver fails to respond,
15 pay the fine assessed, or appear after the second notice, the court may issue a default judgment
16 under section 556.021 for the infraction.

17 2. At any point after the default judgment has been entered, the driver may appear in court
18 to state that he or she is unable to pay and to request the court to modify the judgment. The court
19 shall hold a hearing to determine whether the driver has the ability to pay. If the court finds the
20 driver lacks the present ability to pay, the court shall modify the judgment in any way authorized by
21 statute or court rule, including:

22 (1) Allowing for payment of the fine on an installment basis;

23 (2) Waiving or reducing the amount owed; or

24 (3) Requiring the driver to perform community service or attend a court-ordered program in
25 lieu of payment.

26 3. At any point after the default judgment has been entered, the driver may appear in court
27 and show proof that he or she corrected the equipment violation for which the fine and costs were
28 assessed. If the driver shows such proof, the court may waive the fines and costs that are due."; and
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30 Further amend said amendment, Page 31, Line 30, by inserting after said line the following:
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32 "Further amend said bill, Page 53, Section 578.022, Line 6, by inserting after said section and line
33 the following:
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Action Taken _____ Date _____

1 "579.021. 1. A person commits the offense of delivery of a controlled substance causing
2 serious physical injury, as defined in section 556.061, if a person delivers or distributes a controlled
3 substance under section 579.020 knowing such substance is mixed with another controlled
4 substance and serious physical injury results from the use of such controlled substance.

5 2. It shall not be a defense that the user contributed to the user's own serious physical injury
6 by using the controlled substance or consenting to the administration of the controlled substance by
7 another.

8 3. The offense of delivery of a controlled substance causing serious physical injury is a class
9 C felony.

10 4. For purposes of this section, "controlled substance" means a Schedule I or Schedule II
11 controlled substance, as defined in section 195.017.

12 579.022. 1. A person commits the offense of delivery of a controlled substance causing
13 death if a person delivers or distributes a controlled substance under section 579.020 knowing such
14 substance is mixed with another controlled substance and a death results from the use of such
15 controlled substance.

16 2. It shall not be a defense that the user contributed to the user's own death by using the
17 controlled substance or consenting to the administration of the controlled substance by another.

18 3. The offense of delivery of a controlled substance causing death is a class A felony.

19 4. For purposes of this section, "controlled substance" means a Schedule I or Schedule II
20 controlled substance, as defined in section 195.017."; and"; and

21
22
23 Further amend said bill by amending the title, enacting clause, and intersectional references
24 accordingly.

25
26 THIS AMENDMENT AMENDS 0077S05.08H.