

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND Senate Substitute for Senate Bill No. 890, Page 1, Section A, Line 3, by inserting after all  
2 of the said section and line the following:

3  
4 "454.1050. 1. This section shall be known and may be cited as "Bentley and Mason's  
5 Law"."

6 2. The court shall order a defendant convicted of the offense of driving while intoxicated to  
7 pay restitution for a child whose parent or guardian died as a result of such offense.

8 3. Notwithstanding any provision of law under chapter 559 relating to restitution, and  
9 subject to subsection 4 of this section, the court shall determine a monthly amount to be paid for the  
10 support of the child until the child reaches eighteen years of age or has graduated from high school,  
11 whichever is later.

12 4. The defendant shall not be required to pay restitution under this section to an individual  
13 who is nineteen years of age or older.

14 5. The court shall order the defendant to pay restitution in an amount that is reasonable and  
15 necessary to support the child, considering all relevant factors, including:

16 (1) The financial needs and resources of the child;

17 (2) The financial needs and resources of the surviving parent or guardian or other current  
18 guardian of the child, including the state if the state is the guardian;

19 (3) The standard of living to which the child is accustomed;

20 (4) The physical and emotional condition of the child and the child's educational needs;

21 (5) The child's physical and legal custody arrangements;

22 (6) The reasonable work-related child care expenses of the surviving parent or guardian or  
23 other current guardian, if applicable; and

24 (7) The financial resources of the defendant.

25 6. The order of restitution under this section shall require restitution payments to be:

26 (1) Delivered in the manner described under subsection 7 of this section, as appropriate; and

27 (2) Directed to the parent or guardian of the child or the state, as applicable.

28 7. The order of restitution under this section shall require the defendant to:

29 (1) Make restitution directly to the person or agency that will accept and forward restitution  
30 payments to the victim or other person eligible for restitution under this section; or

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           (2) Deliver the amount due as restitution to the division of probation or parole or to the  
2 department of corrections for transfer to the victim or person or state, as appropriate.

3           8. If a defendant ordered to pay restitution under this section is unable to make the required  
4 restitution payments because the defendant is confined or imprisoned in a correctional facility, the  
5 defendant shall begin payments no later than the first anniversary of the date of the defendant's  
6 release from the facility. The defendant may enter into a payment plan to address any arrearage that  
7 exists on the date of the defendant's release. The defendant shall pay all arrearages regardless of  
8 whether the restitution payments were scheduled to terminate while the defendant was confined or  
9 imprisoned in the correctional facility.

10           9. The amount of restitution paid under this section shall be deducted from any civil  
11 judgment against the defendant.

12           10. A restitution order issued under this section may be enforced by the office of the  
13 attorney general, or by a person or a parent or guardian of the person named in the order to receive  
14 the restitution, in the same manner as a judgment in a civil action."; and

15  
16 Further amend said bill by amending the title, enacting clause, and intersectional references  
17 accordingly.