

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 1777, 2203, 2059 & 2502, Page 2,
2 Section 208.247, Line 42, by inserting after all of said section and line the following:

3
4 "211.134. 1. The court may require a parent or guardian of a child to participate in any
5 activity the court finds is necessary to carry out the purposes of the juvenile code as stated in section
6 211.011, including, but not limited to:

7 (1) Requiring the parent or guardian to attend counseling sessions; and

8 (2) Requiring the parent or guardian to participate in any institutional treatment program,
9 including attendance at the institution where the child resides.

10 2. The court ~~[may]~~ shall not order the parent or guardian to support the child committed for
11 institutionalization by paying the reasonable costs of support, maintenance, and treatment of the
12 child ~~[that the parent is financially able to pay].~~

13 211.181. 1. When a child is found by the court to come within the applicable provisions of
14 subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of
15 fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered,
16 proceed as follows:

17 (1) Place the child under supervision in his or her own home or in the custody of a relative
18 or other suitable person after the court or a public agency or institution designated by the court
19 conducts an investigation of the home, relative or person and finds such home, relative or person to
20 be suitable and upon such conditions as the court may require;

21 (2) Commit the child to the custody of:

22 (a) A public agency or institution authorized by law to care for children or to place them in
23 family homes; except that, such child may not be committed to the department of social services,
24 division of youth services;

25 (b) Any other institution or agency which is authorized or licensed by law to care for
26 children or to place them in family homes;

27 (c) An association, school or institution willing to receive the child in another state if the
28 approval of the agency in that state which administers the laws relating to importation of children
29 into the state has been secured; or

30 (d) The juvenile officer;

Action Taken _____ Date _____

1 (3) Place the child in a family home;

2 (4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist
3 and when the health or condition of the child requires it, cause the child to be placed in a public or
4 private hospital, clinic or institution for treatment and care; except that, nothing contained herein
5 authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose
6 parents or guardian in good faith are providing other remedial treatment recognized or permitted
7 under the laws of this state;

8 (5) The court may order, pursuant to subsection 2 of section 211.081, that the child receive
9 the necessary services in the least restrictive appropriate environment including home and
10 community-based services, treatment and support, based on a coordinated, individualized treatment
11 plan. The individualized treatment plan shall be approved by the court and developed by the
12 applicable state agencies responsible for providing or paying for any and all appropriate and
13 necessary services, subject to appropriation, and shall include which agencies are going to pay for
14 and provide such services. Such plan must be submitted to the court within thirty days and the
15 child's family shall actively participate in designing the service plan for the child;

16 (6) The department of social services, in conjunction with the department of mental health,
17 shall apply to the United States Department of Health and Human Services for such federal waivers
18 as required to provide services for such children, including the acquisition of community-based
19 services waivers.

20 2. When a child is found by the court to come within the provisions of subdivision (2) of
21 subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon
22 which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as
23 follows:

24 (1) Place the child under supervision in his or her own home or in custody of a relative or
25 other suitable person after the court or a public agency or institution designated by the court
26 conducts an investigation of the home, relative or person and finds such home, relative or person to
27 be suitable and upon such conditions as the court may require;

28 (2) Commit the child to the custody of:

29 (a) A public agency or institution authorized by law to care for children or place them in
30 family homes; except that, a child may be committed to the department of social services, division
31 of youth services, only if he or she is presently under the court's supervision after an adjudication
32 under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

33 (b) Any other institution or agency which is authorized or licensed by law to care for
34 children or to place them in family homes;

35 (c) An association, school or institution willing to receive it in another state if the approval
36 of the agency in that state which administers the laws relating to importation of children into the
37 state has been secured; or

38 (d) The juvenile officer;

39 (3) Place the child in a family home;

1 (4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist
2 and when the health or condition of the child requires it, cause the child to be placed in a public or
3 private hospital, clinic or institution for treatment and care; except that, nothing contained herein
4 authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose
5 parents or guardian in good faith are providing other remedial treatment recognized or permitted
6 under the laws of this state[;]

7 ~~(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court].~~
8

9 Execution of any order entered by the court pursuant to this subsection, including a commitment to
10 any state agency, may be suspended and the child placed on probation subject to such conditions as
11 the court deems reasonable. After a hearing, probation may be revoked and the suspended order
12 executed.

13 3. When a child is found by the court to come within the provisions of subdivision (3) of
14 subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it
15 exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as
16 follows:

17 (1) Place the child under supervision in his or her own home or in custody of a relative or
18 other suitable person after the court or a public agency or institution designated by the court
19 conducts an investigation of the home, relative or person and finds such home, relative or person to
20 be suitable and upon such conditions as the court may require; provided that, no child who has been
21 adjudicated a delinquent by a juvenile court for committing or attempting to commit a sex-related
22 offense which if committed by an adult would be considered a felony offense pursuant to chapter
23 566, including but not limited to rape, forcible sodomy, child molestation, and sexual abuse, and in
24 which the victim was a child, shall be placed in any residence within one thousand feet of the
25 residence of the abused child of that offense until the abused child reaches the age of eighteen, and
26 provided further that the provisions of this subdivision regarding placement within one thousand
27 feet of the abused child shall not apply when the abusing child and the abused child are siblings or
28 children living in the same home;

29 (2) Commit the child to the custody of:

30 (a) A public agency or institution authorized by law to care for children or to place them in
31 family homes;

32 (b) Any other institution or agency which is authorized or licensed by law to care for
33 children or to place them in family homes;

34 (c) An association, school or institution willing to receive it in another state if the approval
35 of the agency in that state which administers the laws relating to importation of children into the
36 state has been secured; or

37 (d) The juvenile officer;

1 (3) Beginning January 1, 1996, the court may make further directions as to placement with
2 the division of youth services concerning the child's length of stay. The length of stay order may set
3 forth a minimum review date;

4 (4) Place the child in a family home;

5 (5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist
6 and when the health or condition of the child requires it, cause the child to be placed in a public or
7 private hospital, clinic or institution for treatment and care; except that, nothing contained herein
8 authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose
9 parents or guardian in good faith are providing other remedial treatment recognized or permitted
10 under the laws of this state;

11 (6) Suspend or revoke a state or local license or authority of a child to operate a motor
12 vehicle;

13 (7) Order the child to make restitution or reparation for the damage or loss caused by his or
14 her offense. In determining the amount or extent of the damage, the court may order the juvenile
15 officer to prepare a report and may receive other evidence necessary for such determination. The
16 child and his or her attorney shall have access to any reports which may be prepared, and shall have
17 the right to present evidence at any hearing held to ascertain the amount of damages. Any
18 restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or
19 to perform the reparation. The court may require the clerk of the circuit court to act as receiving and
20 disbursing agent for any payment ordered;

21 (8) Order the child to a term of community service under the supervision of the court or of
22 an organization selected by the court. Every person, organization, and agency, and each employee
23 thereof, charged with the supervision of a child under this subdivision, or who benefits from any
24 services performed as a result of an order issued under this subdivision, shall be immune from any
25 suit by the child ordered to perform services under this subdivision, or any person deriving a cause
26 of action from such child, if such cause of action arises from the supervision of the child's
27 performance of services under this subdivision and if such cause of action does not arise from an
28 intentional tort. A child ordered to perform services under this subdivision shall not be deemed an
29 employee within the meaning of the provisions of chapter 287, nor shall the services of such child
30 be deemed employment within the meaning of the provisions of chapter 288. Execution of any
31 order entered by the court, including a commitment to any state agency, may be suspended and the
32 child placed on probation subject to such conditions as the court deems reasonable. After a hearing,
33 probation may be revoked and the suspended order executed[;]

34 ~~(9) When a child has been adjudicated to have violated a municipal ordinance or to have~~
35 ~~committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to~~
36 ~~twenty-five dollars to be paid by the child to the clerk of the court; when a child has been~~
37 ~~adjudicated to have committed an act that would be a felony if committed by an adult, assess an~~
38 ~~amount of up to fifty dollars to be paid by the child to the clerk of the court].~~

1 4. Beginning January 1, 1996, the court may set forth in the order of commitment the
2 minimum period during which the child shall remain in the custody of the division of youth
3 services. No court order shall require a child to remain in the custody of the division of youth
4 services for a period which exceeds the child's nineteenth birth date except upon petition filed by the
5 division of youth services pursuant to subsection 1 of section 219.021. In any order of commitment
6 of a child to the custody of the division of youth services, the division shall determine the
7 appropriate program or placement pursuant to subsection 3 of section 219.021. Beginning January
8 1, 1996, the department shall not discharge a child from the custody of the division of youth services
9 before the child completes the length of stay determined by the court in the commitment order
10 unless the committing court orders otherwise. The director of the division of youth services may at
11 any time petition the court for a review of a child's length of stay commitment order, and the court
12 may, upon a showing of good cause, order the early discharge of the child from the custody of the
13 division of youth services. The division may discharge the child from the division of youth services
14 without a further court order after the child completes the length of stay determined by the court or
15 may retain the child for any period after the completion of the length of stay in accordance with the
16 law.

17 5. ~~[When an assessment has been imposed under the provisions of subsection 2 or 3 of this~~
18 ~~section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is~~
19 ~~imposed by court order, to be deposited in a fund established for the sole purpose of payment of~~
20 ~~judgments entered against children in accordance with section 211.185.] No assessment shall be~~
21 ~~imposed on a child or the child's parent, guardian, or legal custodian for the actions of the child~~
22 ~~under the provisions of this section.~~

23 211.241. 1. When the juvenile court finds a child to be within the purview of applicable
24 provisions of section 211.031 ~~[it may in the same or subsequent proceedings, either on its own~~
25 ~~motion or upon the application of any person, institution or agency having the custody of such child,~~
26 ~~proceed to inquire into the ability of the parent of the child to support it or to contribute to its~~
27 ~~support. If the parent does not voluntarily appear for the proceeding, he shall be summoned in the~~
28 ~~same manner as in civil cases and the summons in the case may issue to any county of the state.~~

29 2. ~~If the court finds that the parent is able to support the child or to contribute to its support],~~
30 ~~the court [may] shall not enter an order requiring the parent to [support the child or] pay an~~
31 ~~institution or agency having custody of the child, to contribute to [its] the support [and] of the child,~~
32 ~~or to pay the costs of collecting the judgment.~~

33 ~~[3. The court may enforce the order by execution and the execution may issue on request of~~
34 ~~the juvenile officer or any person, agency or institution which has been awarded custody of the~~
35 ~~child. No deposit or bond for costs shall be required as a condition for the issuance or service of the~~
36 ~~execution. No property is exempt from execution upon a judgment or decree made under this~~
37 ~~section, and all wages or other sums due the parent is subject to garnishment or execution in any~~
38 ~~proceedings under this section.~~

39 ~~4. Otherwise] 2.~~ The necessary support of the child shall, unless the court commits the child to a
40 person or institution willing to receive it without charge, be paid out of the funds of the county but

1 only upon approval of the judge of the juvenile court."; and

2
3 Further amend said bill, Page 6, Section 221.523, Line 20, by inserting after all of said section and
4 line the following:

5
6 "488.012. 1. Beginning July 1, 1997, the clerk of each court of this state responsible for
7 collecting court costs shall collect the court costs authorized by statute, in such amounts as are
8 authorized by supreme court rule adopted pursuant to sections 488.010 to 488.020. Court costs due
9 and payable prior to July 1, 1997, shall not be affected by the adoption of this rule. No court costs
10 shall be charged to a minor or to the minor's parent, guardian, or legal custodian for the actions of
11 the minor.

12 2. The supreme court shall set the amount of court costs authorized by statute, at levels to
13 produce revenue which shall not substantially exceed the total of the proportion of the costs
14 associated with administration of the judicial system defrayed by fees, miscellaneous charges and
15 surcharges. This subsection and subsection 3 of this section shall not apply to minors under
16 eighteen years of age.

17 3. Prior to adjustment by the supreme court, the following fees, costs and charges shall be
18 collected:

19 (1) Five dollars for the filing of a lien, pursuant to section 429.090;

20 (2) Ten dollars for maintaining child support enforcement records, pursuant to section
21 452.345;

22 (3) Ten dollars for a notice to a judgment creditor of a distributee, pursuant to section
23 473.618;

24 (4) Three dollars for receiving and keeping a will, pursuant to section 474.510;

25 (5) Seven dollars for the statewide court automation fund, pursuant to section 488.027;

26 (6) Twelve dollars for municipal court costs, fifteen dollars for municipal ordinance
27 violations filed before an associate circuit judge and thirty dollars for applications for a trial de novo
28 of a municipal ordinance violation, pursuant to section 479.260;

29 (7) Five dollars for small claims court cases where less than one hundred dollars is in
30 dispute, and ten dollars in all other small claims court cases, pursuant to section 482.345;

31 (8) Fifty dollars for appeals, pursuant to section 483.500;

32 (9) Fifteen dollars in misdemeanor cases where there is no application for trial de novo,
33 pursuant to section 483.530;

34 (10) Forty-five dollars for applications for a trial de novo for misdemeanor cases, pursuant
35 to section 483.530;

36 (11) Fifteen dollars for each preliminary hearing in felony cases, pursuant to section
37 483.530;

38 (12) Thirty dollars for each information or indictment filed in felony cases, pursuant to
39 section 483.530;

1 (13) Fifteen dollars for each associate circuit court case filed, and one dollar for each
2 additional summons issued in such cases, pursuant to section 483.530;

3 (14) Forty-five dollars for applications for trial de novo from small claims court and
4 associate circuit court and forty-five dollars for filing of other cases, pursuant to section 483.530;

5 (15) One dollar and fifty cents for a certificate of naturalization, pursuant to section
6 483.535;

7 (16) When letters are applied for in probate proceedings, pursuant to section 483.580, when
8 the value of the estate is:

9 (a) Less than \$10,000 \$ 75.00

10 (b) From \$10,000 to \$25,000 115.00

11 (c) From \$25,000 to \$50,000 155.00

12 (d) From \$50,000 to \$100,000 245.00

13 (e) From \$100,000 to \$500,000 305.00

14 (f) More than \$500,000 365.00;

15 (17) Thirty dollars for each additional twelve months a decedent's estate remains open,
16 pursuant to section 483.580;

17 (18) In proceedings regarding guardianships and conservatorships, pursuant to section
18 483.580:

19 (a) Twenty-five dollars for each grant of letters for guardianship of a minor;

20 (b) Fifty dollars for each grant of letters for guardianship of an incapacitated person;

21 (c) Sixty dollars for each grant of letters for guardianship of the person and conservatorship
22 of the estate of a minor;

23 (d) Twenty-five dollars for each additional twelve months a conservatorship of a minor's
24 estate case remains open;

25 (e) Seventy-five dollars for each grant of letters in guardianship and conservatorship of
26 incapacitated persons and their estates;

27 (f) Thirty dollars for each additional twelve months an incapacitated person's case remains
28 open;

29 (19) Fifteen dollars for issuing orders refusing to grant letters to a spouse or an unmarried
30 minor child and thirty dollars for a certified copy of such orders, pursuant to section 483.580;

31 (20) In probate proceedings, pursuant to section 483.580:

32 (a) Thirty-five dollars for the collection of small estates;

33 (b) Thirty-five dollars for involuntary hospitalization proceedings;

34 (c) Thirty dollars for proceedings to determine heirship;

35 (d) Fifteen dollars for assessment of estate taxes where no letters are granted;

36 (e) Fifty dollars for proceedings for the sale of real estate by a nonresident conservator;

37 (f) Forty dollars for proceedings to dispense with administration;

38 (g) Twenty dollars for proceedings to dispense with conservatorship;

39 (h) Twenty-five dollars for admitting a will to probate;

1 (i) One dollar per copied page and one dollar and fifty cents per certificate;

2 (21) One dollar and fifty cents per page for testimony transcription, pursuant to section
3 488.2250;

4 (22) Fifteen dollars for court reporters, pursuant to section 488.2253;

5 (23) Three dollars for witness fees per day, and four dollars when the witness must travel to
6 another county, pursuant to section 491.280.

7 488.027. 1. In addition to all other court costs provided by law, in all civil cases filed in the
8 circuit courts of this state and in all criminal cases including violations of any municipal or county
9 ordinance heard by an associate circuit judge or any violation of criminal or traffic laws of this state,
10 including an infraction, a fee in an amount determined pursuant to sections 488.015 to 488.020 shall
11 be assessed as costs, except that[~~;~~]:

12 (1) No such fee shall be collected in any proceeding involving a violation of an ordinance or
13 state law when a criminal proceeding or defendant has been dismissed by the court or when costs
14 are waived or are to be paid by the state, county or municipality; and

15 (2) No fee shall be collected from:

16 (a) A minor in any proceeding against the minor; or

17 (b) A minor's parent, guardian, or legal custodian for the actions of the minor.

18 2. The moneys collected by clerks of the courts pursuant to the provisions of this section
19 shall be collected and disbursed as provided by sections 488.010 to 488.020. All such moneys shall
20 be payable to the director of revenue, who shall deposit all amounts collected pursuant to this
21 section to the credit of the statewide court automation fund which is established in section 476.055.

22 3. The assessment of court costs authorized by this section shall apply to all cases filed on or
23 after September 1, 1994.

24 488.031. 1. In addition to other fees authorized by law, the clerk of each court shall collect
25 the following fees on the filing of any civil or criminal action or proceeding, including an appeal,
26 except that no fee shall be imposed pursuant to this section on any case that is filed charging traffic
27 violations except alcohol-related offenses:

Supreme court and court of appeals \$20.00;

Circuit division \$10.00;

Associate circuit courts \$ 8.00; and

Small claims courts No additional fee

28 2. Court filing surcharges pursuant to this section shall be collected in the same manner as
29 other fees, fines, or costs in the case. The amounts so collected shall be paid by the clerk to the
30 office of the state courts administrator and credited to the special fund designated as the basic civil
31 legal services fund. However, the additional fees prescribed by this section shall not be collected
32 when a criminal proceeding or defendant has been dismissed by the court or when costs are waived
33 or are to be paid by the state, county, municipality, or other political subdivision of this state. The
34 additional fees prescribed by this section shall not be collected from a minor in any proceeding

1 against the minor or from the minor's parent, guardian, or legal custodian for the actions of the
2 minor.

3 488.2253. In every contested case, or case in which the evidence is to be preserved, except
4 for the collection of delinquent or back taxes, before any circuit judge when an official court
5 reporter is appointed, the clerk of said court shall tax up the sum of fifteen dollars, to be collected as
6 other costs, and paid by said clerk to the director of revenue of the state. The fee prescribed by this
7 section shall not be collected from a minor in any proceeding against the minor or from the minor's
8 parent, guardian, or legal custodian for the actions of the minor.

9 488.2300. 1. A "Family Services and Justice Fund" is hereby established in each county or
10 circuit with a family court, for the purpose of aiding with the operation of the family court divisions
11 and services provided by those divisions. In circuits or counties having a family court, the circuit
12 clerk shall charge and collect a surcharge of thirty dollars in all proceedings falling within the
13 jurisdiction of the family court. The surcharge shall not be charged when no court costs are
14 otherwise required, shall not be charged against the petitioner for actions filed pursuant to the
15 provisions of chapter 455, but may be charged to the respondent in such actions, shall not be
16 charged to a government agency and shall not be charged in any proceeding when costs are waived
17 or are to be paid by the state, county or municipality.

18 2. ~~[In juvenile proceedings under chapter 211, a judgment of up to thirty dollars may be~~
19 ~~assessed against the child, parent or custodian of the child, in addition to other amounts authorized~~
20 ~~by law, in informal adjustments made under the provisions of sections 211.081 and 211.083, and in~~
21 ~~an order of disposition or treatment under the provisions of section 211.181. The judgment may be~~
22 ~~ordered paid to the clerk of the circuit where the assessment is imposed.~~

23 3.] All sums collected pursuant to this section and section 487.140 shall be payable to the
24 various county family services and justice funds.

25 [4.] 3. Any moneys in the family services and justice fund not expended for salaries of
26 commissioners, family court administrators and family court staff shall be used toward funding the
27 enhanced services provided as a result of the establishment of a family court; however, it shall not
28 replace or reduce the current and ongoing responsibilities of the counties to provide funding for the
29 courts as required by law. Moneys collected for the family services and justice fund shall be
30 expended for the benefit of litigants and recipients of services in the family court, with priority
31 given to services such as guardians ad litem, mediation, counseling, home studies, psychological
32 evaluation and other forms of alternative dispute-resolution services. Expenditures shall be made at
33 the discretion of the presiding judge or family court administrative judge, as designated by the
34 circuit and associate circuit judges en banc, for the implementation of the family court system as set
35 forth in this section. No moneys from the family services and justice fund may be used to pay for
36 mediation in any cause of action in which domestic violence is alleged.

37 [5.] 4. From the funds collected pursuant to this section and retained in the family services
38 and justice fund, each circuit or county in which a family court commissioner in addition to those
39 commissioners existing as juvenile court commissioners on August 28, 1993, have been appointed

1 pursuant to sections 487.020 to 487.040 shall pay to and reimburse the state for the actual costs of
 2 that portion of the salaries of family court commissioners appointed pursuant to the provisions of
 3 sections 487.020 to 487.040.

4 ~~[6.]~~ 5. No moneys deposited in the family services and justice fund may be expended for
 5 capital improvements.

6 488.5026. 1. Upon approval of the governing body of a city, county, or a city not within a
 7 county, a surcharge of two dollars shall be assessed as costs in each court proceeding filed in any
 8 court in any city, county, or city not within a county adopting such a surcharge, in all criminal cases
 9 including violations of any county ordinance or any violation of criminal or traffic laws of the state,
 10 including an infraction and violation of a municipal ordinance; except that no such fee shall be
 11 collected in any proceeding in any court when the proceeding or the defendant has been dismissed
 12 by the court or when costs are to be paid by the state, county, or municipality. ~~[A surcharge of two~~
 13 ~~dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the~~
 14 ~~court to come within the applicable provisions of subdivision (3) of subsection 1 of section~~
 15 ~~211.031.]~~ The fee prescribed by this section shall not be collected from a minor in any proceeding
 16 against the minor or from the minor's parent, guardian, or legal custodian for the actions of the
 17 minor.

18 2. Notwithstanding any other provision of law, the moneys collected by clerks of the courts
 19 pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in
 20 accordance with sections 488.010 to 488.020, and shall be payable to the treasurer of the
 21 governmental unit authorizing such surcharge.

22 3. The treasurer shall deposit funds generated by the surcharge into the "Inmate Prisoner
 23 Detainee Security Fund". Funds deposited shall be utilized to acquire and develop biometric
 24 verification systems and information sharing to ensure that inmates, prisoners, or detainees in a
 25 holding cell facility or other detention facility or area which hold persons detained only for a shorter
 26 period of time after arrest or after being formally charged can be properly identified upon booking
 27 and tracked within the local law enforcement administration system, criminal justice administration
 28 system, or the local jail system. The funds deposited in the inmate prisoner detainee security fund
 29 shall be used only to supplement the sheriff's funding received from other county, state, or federal
 30 funds. The county commission shall not reduce any sheriff's budget as a result of any funds
 31 received within the inmate prisoner detainee security fund. Upon the installation of the information
 32 sharing or biometric verification system, funds in the inmate prisoner detainee security fund may
 33 also be used for the maintenance, repair, and replacement of the information sharing or biometric
 34 verification system, and also to pay for any expenses related to detention, custody, and housing and
 35 other expenses for inmates, prisoners, and detainees."; and

36
 37 Further amend said bill, Page 10, Section 558.041, Line 54, by inserting after all of said section and
 38 line the following:

39
 40 "595.045. 1. There is established in the state treasury the "Crime Victims' Compensation
 41 Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court
 42 proceeding filed in any court in the state in all criminal cases including violations of any county
 43 ordinance or any violation of criminal or traffic laws of the state, including an infraction and

1 violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in
2 any court when the proceeding or the defendant has been dismissed by the court or when costs are to
3 be paid by the state, county, or municipality. [~~A surcharge of seven dollars and fifty cents shall be
4 assessed as costs in a juvenile court proceeding in which a child is found by the court to come
5 within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.~~]

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

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

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

22 (1) On the first of every month, the director of revenue or the director's designee shall
23 determine the balance of the funds in the crime victims' compensation fund available to satisfy the
24 amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
25 595.050 and 595.055;

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

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

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

38 (1) On the first of every month, the director of revenue or the director's designee shall
39 determine the balance of the funds in the crime victims' compensation fund available to satisfy the

1 amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
2 595.050 and 595.055;

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

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

10 8. In addition to the moneys collected pursuant to subsection 1 of this section, the court shall
11 enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund,
12 of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class A or B felony; forty-six
13 dollars upon a plea of guilty or finding of guilt for a class C or D felony; and ten dollars upon a plea
14 of guilty or a finding of guilt for any misdemeanor under Missouri law except for those in chapter
15 252 relating to fish and game, chapter 302 relating to drivers' and commercial drivers' license,
16 chapter 303 relating to motor vehicle financial responsibility, chapter 304 relating to traffic
17 regulations, chapter 306 relating to watercraft regulation and licensing, and chapter 307 relating to
18 vehicle equipment regulations. Any clerk of the court receiving moneys pursuant to such judgments
19 shall collect and disburse such crime victims' compensation judgments in the manner provided by
20 sections 488.010 to 488.020. Such funds shall be payable to the state treasury and deposited to the
21 credit of the crime victims' compensation fund.

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

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

33 11. The state courts administrator shall include in the annual report required by section
34 476.350 the circuit court caseloads and the number of crime victims' compensation judgments
35 entered.

36 12. All awards made to injured victims under sections 595.010 to 595.105 and all
37 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
38 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
39 remaining in the crime victims' compensation fund at the end of each biennium shall not be subject

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

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

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

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

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

32
33 Further amend said bill by amending the title, enacting clause, and intersectional references
34 accordingly.