

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 60, Page 64, Section 589.414, Line 207, by inserting after said section and line the
3 following:
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5 "595.045. 1. There is established in the state treasury the "Crime Victims' Compensation
6 Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court
7 proceeding filed in any court in the state in all criminal cases including violations of any county
8 ordinance or any violation of criminal or traffic laws of the state, including an infraction and
9 violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in
10 any court when the proceeding or the defendant has been dismissed by the court or when costs are to
11 be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents shall be
12 assessed as costs in a juvenile court proceeding in which a child is found by the court to come
13 within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

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

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

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

30 (1) On the first of every month, the director of revenue or the director's designee shall
31 determine the balance of the funds in the crime victims' compensation fund available to satisfy the
32 amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
33 595.050 and 595.055;

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

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1 section 595.100.

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

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

10 (1) On the first of every month, the director of revenue or the director's designee shall
11 determine the balance of the funds in the crime victims' compensation fund available to satisfy the
12 amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
13 595.050 and 595.055;

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

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

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

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

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

44 11. The state courts administrator shall include in the annual report required by section
45 476.350 the circuit court caseloads and the number of crime victims' compensation judgments
46 entered.

47 12. All awards made to injured victims under sections 595.010 to 595.105 and all
48 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
49 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance

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

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

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

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

30 16. The department may receive gifts and contributions for the benefit of crime victims.
31 Such gifts and contributions shall be credited to the crime victims' compensation fund as used solely
32 for compensating victims under the provisions of sections 595.010 to 595.075."; and
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34 Further amend said bill by amending the title, enacting clause, and intersectional references
35 accordingly.