

SECOND REGULAR SESSION

# HOUSE BILL NO. 2781

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ANDERSON.

4455H.01I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal section 595.045, RSMo, and to enact in lieu thereof two new sections relating to the compensation of victims.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 595.045, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 595.045 and 595.250, to read as follows:

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 analytical laboratories are registered with the federal Drug Enforcement Agency or the  
19 Missouri department of health and senior services. Subject to appropriations made therefor,  
20 such funds shall be distributed by the department of public safety to the crime laboratories  
21 serving the courts of this state making analysis of a controlled substance or analysis of blood,  
22 breath or urine in relation to a court proceeding.

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

29       (1) On the first of every month, the director of revenue or the director's designee shall  
30 determine the balance of the funds in the crime victims' compensation fund available to  
31 satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075,  
32 excluding sections 595.050 and 595.055, **and the amount required to be deposited under  
33 section 595.250;**

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

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

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

47       (1) On the first of every month, the director of revenue or the director's designee shall  
48 determine the balance of the funds in the crime victims' compensation fund available to  
49 satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075,  
50 excluding sections 595.050 and 595.055, **and the amount required to be deposited under  
51 section 595.250;**

52       (2) Beginning on September 1, 2004, and on the first of each month the director of  
53 revenue or the director's designee shall deposit fifty percent of the balance of funds available

54 to the credit of the crime victims' compensation fund and fifty percent to the services to  
55 victims' fund established in section 595.100.

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

59 8. In addition to the moneys collected pursuant to subsection 1 of this section, the  
60 court shall enter a judgment in favor of the state of Missouri, payable to the crime victims'  
61 compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class  
62 A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C, D, or E  
63 felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under  
64 Missouri law except for those in chapter 252 relating to fish and game, chapter 302 relating to  
65 drivers' and commercial drivers' license, chapter 303 relating to motor vehicle financial  
66 responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to watercraft  
67 regulation and licensing, and chapter 307 relating to vehicle equipment regulations. Any  
68 clerk of the court receiving moneys pursuant to such judgments shall collect and disburse  
69 such crime victims' compensation judgments in the manner provided by sections 488.010 to  
70 488.020. Such funds shall be payable to the state treasury and deposited to the credit of the  
71 crime victims' compensation fund.

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

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

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

88 12. All awards made to injured victims under sections 595.010 to 595.105 and all  
89 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and  
90 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance

91 remaining in the crime victims' compensation fund at the end of each biennium shall not be  
92 subject to the provision of section 33.080 requiring the transfer of such unexpended balance  
93 to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation  
94 fund. In the event that there are insufficient funds in the crime victims' compensation fund to  
95 pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the  
96 crime victims' compensation fund, then no claim shall be paid until funds have again  
97 accumulated in the crime victims' compensation fund. When sufficient funds become  
98 available from the fund, awards which have not been paid shall be paid in chronological order  
99 with the oldest paid first. In the event an award was to be paid in installments and some  
100 remaining installments have not been paid due to a lack of funds, then when funds do become  
101 available that award shall be paid in full. All such awards on which installments remain due  
102 shall be paid in full in chronological order before any other postdated award shall be paid.  
103 Any award pursuant to this subsection is specifically not a claim against the state, if it cannot  
104 be paid due to a lack of funds in the crime victims' compensation fund.

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

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

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

121 16. The department may receive gifts and contributions for the benefit of crime  
122 victims. Such gifts and contributions shall be credited to the crime victims' compensation  
123 fund as used solely for compensating victims under the provisions of sections 595.010 to  
124 595.075.

125 595.250. 1. There is hereby created in the state treasury the "Victims of  
126 Domestic Violence Fund", which shall consist of moneys collected under subsection 1 of  
127 section 595.045. The state treasurer shall be custodian of the fund. In accordance with

4 sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund  
5 shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used  
6 solely for the administration of this section. Notwithstanding the provisions of section  
7 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium  
8 shall not revert to the credit of the general revenue fund. The state treasurer shall invest  
9 moneys in the fund in the same manner as other funds are invested. Any interest and  
10 moneys earned on such investments shall be credited to the fund.

11 2. Ten dollars from the surcharge collected under subsection 1 of section 595.045  
12 shall be deposited into the victims of domestic violence fund established under  
13 subsection 1 of this section for victims of domestic violence.

14 3. A victim of domestic violence may be compensated under the fund established  
15 under subsection 1 of this section or the fund established under section 595.045, but the  
16 victim shall not receive compensation from both funds if the compensation the victim is  
17 seeking is based on the same incident.

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