

SECOND REGULAR SESSION

HOUSE BILL NO. 2177

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PERKINS.

5097H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 537.675, 537.684, 595.010, 595.040, and 595.045, RSMo, and to enact in lieu thereof five new sections relating to victims eligible to receive certain compensation, with penalty provisions.

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

Section A. Sections 537.675, 537.684, 595.010, 595.040, and 595.045, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections 537.675,
3 537.684, 595.010, 595.040, and 595.045, to read as follows:

537.675. 1. As used in sections 537.675 through 537.693, the following terms mean:

2 (1) "Annual claims", that period of time commencing on the first day of January of
3 every year after December 31, 2002, and ending on the last day of that calendar year;

4 (2) "Commission", the labor and industrial relations commission;

5 (3) "Division", the division of workers' compensation;

6 (4) "Punitive damage final judgment", an award for punitive damages excluding
7 interest that is no longer subject to review by courts of this state or of the United States;

8 (5) "Uncompensated tort victim", a person who:

9 (a) Is a party in a personal injury or wrongful death lawsuit; or is a tort victim whose
10 claim against the tort-feasor has been settled for the policy limits of insurance covering the
11 liability of such tort-feasor and such policy limits are inadequate in light of the nature and
12 extent of damages due to the personal injury or wrongful death;

13 (b) Unless described in paragraph (a) of this subdivision:

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.

- 14 a. Has obtained a final monetary judgment in that lawsuit described in paragraph (a)
15 of this subdivision against a tort-feasor for personal injuries, or wrongful death in a case in
16 which all appeals are final;
- 17 b. Has exercised due diligence in enforcing the judgment; and
- 18 c. Has not collected the full amount of the judgment;
- 19 (c) Is not a corporation, company, partnership or other incorporated or unincorporated
20 commercial entity;
- 21 (d) Is not any entity claiming a right of subrogation;
- 22 (e) Was not on house arrest and was not confined in any federal, state, regional,
23 county or municipal jail, prison or other correctional facility at the time he or she sustained
24 injury from the tort-feasor;
- 25 (f) Has not pleaded guilty to or been found guilty of two or more felonies, where such
26 two or more felonies occurred within ten years of the occurrence of the tort in question, and
27 where either of such felonies involved a controlled substance or an act of violence; ~~and~~
- 28 (g) Is a resident of the state of Missouri or sustained personal injury or death by a tort
29 which occurred in the state of Missouri; **and**
- 30 **(h) Is a citizen of the United States, is a lawful permanent resident, or lawfully**
31 **holds a valid visa issued by the United States Department of State at the time of the**
32 **claim for dispensation.**
- 33 2. There is created the "Tort Victims' Compensation Fund". Unexpended moneys in
34 the fund shall not lapse at the end of the biennium as provided in section 33.080.
- 35 3. Any party receiving a judgment final for purposes of appeal for punitive damages
36 in any case filed in any division of any circuit court of the state of Missouri shall notify the
37 attorney general of the state of Missouri of such award, except for actions claiming improper
38 health care pursuant to chapter 538. The state of Missouri shall have a lien for deposit into
39 the tort victims' compensation fund to the extent of fifty percent of the punitive damage final
40 judgment which shall attach in any such case after deducting attorney's fees and expenses. In
41 each case, the attorney general shall serve a lien notice by certified mail or registered mail
42 upon the party or parties against whom the state has a claim for collection of its share of a
43 punitive damage final judgment. On a petition filed by the state, the court, on written notice
44 to all interested parties, shall adjudicate the rights of the parties and enforce the lien. The lien
45 shall not be satisfied out of any recovery until the attorney's claim for fees and expenses is
46 paid. The state can file its lien in all cases where punitive damages are awarded upon the
47 entry of the judgment final for purposes of appeal. The state cannot enforce its lien until there
48 is a punitive damage final judgment. Cases resolved by arbitration, mediation or compromise
49 settlement prior to a punitive damage final judgment are exempt from the provisions of this
50 section. Nothing in this section shall hinder or in any way affect the right or ability of the

51 parties to any claim or lawsuit to compromise or settle such claim or litigation on any terms
52 and at any time the parties desire.

53 4. The state of Missouri shall have no interest in or right to intervene at any stage of
54 any judicial proceeding pursuant to this section, except to enforce its lien rights as provided in
55 subsection 3 of this section.

56 5. Twenty-six percent of all payments deposited into the tort victims' compensation
57 fund and all interest accruing on the principal regardless of source or designation shall be
58 transferred to the basic civil legal services fund established in section 477.650. Moneys in the
59 tort victims' compensation fund shall not be used to pay any portion of a refund mandated by
60 Article X, Section 18 of the Constitution.

61 **6. The department of labor and industrial relations shall verify compliance with**
62 **the eligibility requirements of any claimant under this section prior to authorizing**
63 **payment from the tort victims' compensation fund and shall deny any claim that fails to**
64 **meet such requirements.**

537.684. 1. A claim for compensation may be filed by a person eligible for
2 compensation or, if the person is an incapacitated or disabled person, or a minor, by the
3 person's spouse, parent, conservator or guardian.

4 2. A claim shall be filed not later than two years after the judgment upon which it is
5 based becomes final and all appeals are final. If there is no judgment, claims must be filed
6 within time limits prescribed pursuant to section 516.120, except for cases resulting in death,
7 in which case claims must be filed within time limits prescribed pursuant to section 537.100.

8 3. Each claim shall be filed in person or by mail. The division shall investigate such
9 claim prior to the opening of formal proceedings. The director of the division shall assign an
10 administrative law judge, associate administrative law judge or legal advisor within the
11 division to hear any claim for compensation filed. The claimant shall be notified of the date
12 and time of any hearing on the claim. In determining the amount of compensation for which a
13 claimant is eligible, the division shall:

14 (1) Consider the facts stated on the application filed pursuant to section 537.678;

15 (2) Obtain a copy of the final judgment, if any, from the appropriate court;

16 (3) Determine the amount of the loss to the claimant, or the victim's survivors or
17 dependents; and

18 (4) If there is no final judgment, determine the degree or extent to which the victim's
19 acts or conduct provoked, incited or contributed to the injuries or death of the victim.

20 4. The claimant may present evidence and testimony on his or her own behalf or may
21 retain counsel. **The administrative law judge may, as part of any award entered under**
22 **sections 537.675 to 537.693, determine and allow reasonable attorney's fees, which shall**
23 **not exceed fifteen percent of the amount awarded as compensation under sections**

24 **537.675 to 537.693. Such fees shall be paid out of, but not in addition to, the amount of**
25 **compensation to the attorney representing the claimant. No attorney for the claimant**
26 **shall ask for, contract for, or receive any larger sum than the amount allowed.**

27 5. Prior to any hearing, the person filing a claim shall submit reports, if available,
28 from all hospitals, physicians or surgeons who treated or examined the victim for the injury
29 for which compensation is sought. If, in the opinion of the division, an examination of the
30 injured victim or a report on the cause of death of the victim would be of material aid, the
31 division may appoint a duly qualified, impartial physician to make an examination and report.
32 A finding of the judge or jury in the underlying case shall be considered as evidence.

33 6. Each and every payment shall be exempt from attachment, garnishment or any
34 other remedy available to creditors for the collection of a debt, provided however, this section
35 shall not in any way affect the right of any attorney who represents or represented any
36 claimant to collect any fee or expenses to which he or she is entitled, **provided that**
37 **attorney's fees awarded from the filing and adjudication of the claim are determined to**
38 **be just and reasonable by the hearing officer and do not to exceed fifteen percent of the**
39 **applicant's payment from the compensation fund.**

40 7. Payments of compensation shall not be made directly to any person legally
41 incompetent to receive them but shall be made to the parent, guardian or conservator for the
42 benefit of such minor, disabled or incapacitated person.

43 8. For payment of all claims from the fund, the division shall determine the aggregate
44 amount of all awards made on those claims filed during an annual claims period. Such
45 determination shall be made on or before the thirtieth day of June in the next succeeding year.
46 If the aggregate value of the awards does not exceed the total amount of money in the fund,
47 then the awards shall be paid in full on or before the thirtieth day of September in the next
48 succeeding year. If the aggregate value of the awards does exceed the total amount of money
49 in the fund, then the awards shall be paid on a pro rata basis on or before the thirtieth day of
50 September in the next succeeding year.

51 9. If there are no funds available, then no claim shall be paid until funds have
52 accumulated in the tort victims' compensation fund and have been appropriated to the division
53 for payment to uncompensated tort victims. When sufficient funds become available for
54 payment of claims of uncompensated tort victims, awards that have been determined but have
55 not been paid shall be paid in chronological order with the oldest paid first, based upon the
56 date on which the application was filed with the division. Any award pursuant to this
57 subsection that cannot be paid due to a lack of funds appropriated for payment of claims of
58 uncompensated tort victims shall not constitute a claim against the state.

59 10. In the event there are no funds available for payment of claims, then the division
60 may suspend all action related to valuing claims and granting awards until such time as funds

61 in excess of one hundred thousand dollars have accumulated in the tort victims' compensation
62 fund, at which time the division shall resume its claim processing duties.

595.010. 1. As used in sections 595.010 to 595.075, unless the context requires
2 otherwise, the following terms shall mean:

3 (1) "Child", a dependent, unmarried person who is under eighteen years of age and
4 includes a posthumous child, stepchild, or an adopted child;

5 (2) "Claimant", a victim or a dependent, relative, survivor, or member of the family,
6 of a victim eligible for compensation pursuant to sections 595.010 to 595.075;

7 (3) "Conservator", a person or corporation appointed by a court to have the care and
8 custody of the estate of a minor or a disabled person, including a limited conservator;

9 (4) "Counseling", problem-solving and support **provided by a licensed service**
10 **provider as listed in section 595.030** concerning emotional issues that result from criminal
11 victimization [~~licensed pursuant to section 595.030~~]. Counseling is a confidential service
12 provided either on an individual basis or in a group. Counseling has as a primary purpose to
13 enhance, protect and restore a person's sense of well-being and social functioning after
14 victimization. Counseling does not include victim advocacy services such as crisis telephone
15 counseling, attendance at medical procedures, law enforcement interviews or criminal justice
16 proceedings;

17 (5) "Crime", an act committed in this state which, regardless of whether it is
18 adjudicated, involves the application of force or violence or the threat of force or violence by
19 the offender upon the victim but shall include the crime of driving while intoxicated,
20 vehicular manslaughter and hit and run; and provided, further, that no act involving the
21 operation of a motor vehicle except driving while intoxicated, vehicular manslaughter and hit
22 and run which results in injury to another shall constitute a crime for the purpose of sections
23 595.010 to 595.075, unless such injury was intentionally inflicted through the use of a motor
24 vehicle. A crime shall also include an act of terrorism, as defined in 18 U.S.C. Section 2331,
25 which has been committed outside of the United States against a resident of Missouri;

26 (6) "Crisis intervention counseling", helping to reduce psychological trauma where
27 victimization occurs;

28 (7) "Department", the department of public safety;

29 (8) "Dependent", mother, father, spouse, spouse's mother, spouse's father, child,
30 grandchild, adopted child, illegitimate child, niece or nephew, who is wholly or partially
31 dependent for support upon, and living with, but shall include children entitled to child
32 support but not living with, the victim at the time of his injury or death due to a crime alleged
33 in a claim pursuant to sections 595.010 to 595.075;

34 (9) "Direct service", providing physical services to a victim of crime including, but
35 not limited to, transportation, funeral arrangements, child care, emergency food, clothing,
36 shelter, notification and information;

37 (10) "Director", the director of public safety of this state or a person designated by
38 him for the purposes of sections 595.010 to 595.075;

39 (11) "Disabled person", one who is unable by reason of any physical or mental
40 condition to receive and evaluate information or to communicate decisions to such an extent
41 that the person lacks ability to manage his financial resources, including a partially disabled
42 person who lacks the ability, in part, to manage his financial resources;

43 (12) **"Eligible injured victim", a person who at the time of application for**
44 **compensation from the crime victims' compensation fund is:**

45 (a) **A citizen of the United States, a lawful permanent resident, or a person**
46 **lawfully present in the United States under a valid visa issued by the United States**
47 **Department of State; and**

48 (b) **Killed or suffered personal physical injury in this state as a result of:**

49 a. **The commission or attempted commission of any crime by another person;**

50 b. **A good-faith attempt to assist a person against whom a crime is being**
51 **committed or attempted; or**

52 c. **Assisting a law enforcement officer in the apprehension of a person the officer**
53 **has reason to believe has committed or attempted to commit a crime;**

54 (13) "Emergency service", those services provided to alleviate the immediate effects
55 of the criminal act or offense, and may include cash grants of not more than one hundred
56 dollars;

57 ~~[(13)]~~ (14) "Earnings", net income or net wages;

58 ~~[(14)]~~ (15) "Family", the spouse, parent, grandparent, stepmother, stepfather, child,
59 grandchild, brother, sister, half brother, half sister, adopted children of parent, or spouse's
60 parents;

61 ~~[(15)]~~ (16) "Funeral expenses", the expenses of the funeral, burial, cremation or other
62 chosen method of interment, including plot or tomb and other necessary incidents to the
63 disposition of the remains;

64 ~~[(16)]~~ (17) "Gainful employment", engaging on a regular and continuous basis, up to
65 the date of the incident upon which the claim is based, in a lawful activity from which a
66 person derives a livelihood;

67 ~~[(17)]~~ (18) "Guardian", one appointed by a court to have the care and custody of the
68 person of a minor or of an incapacitated person, including a limited guardian;

69 ~~[(18)]~~ (19) "Hit and run", the crime of leaving the scene of a motor vehicle accident
70 as defined in section 577.060;

71 ~~[(19)]~~ **(20)** "Incapacitated person", one who is unable by reason of any physical or
72 mental condition to receive and evaluate information or to communicate decisions to such an
73 extent that he lacks capacity to meet essential requirements for food, clothing, shelter, safety
74 or other care such that serious physical injury, illness, or disease is likely to occur, including a
75 partially incapacitated person who lacks the capacity to meet, in part, such essential
76 requirements;

77 ~~[(20)]~~ **(21)** "Injured victim", a person:

78 (a) Killed or receiving a personal physical injury in this state as a result of another
79 person's commission of or attempt to commit any crime;

80 (b) Killed or receiving a personal physical injury in this state while in a good faith
81 attempt to assist a person against whom a crime is being perpetrated or attempted;

82 (c) Killed or receiving a personal physical injury in this state while assisting a law
83 enforcement officer in the apprehension of a person who the officer has reason to believe has
84 perpetrated or attempted a crime;

85 ~~[(21)]~~ **(22)** "Law enforcement official", a sheriff and his regular deputies, municipal
86 police officer or member of the Missouri state highway patrol and such other persons as may
87 be designated by law as peace officers;

88 ~~[(22)]~~ **(23)** "Offender", a person who commits a crime;

89 ~~[(23)]~~ **(24)** "Personal injury", physical, emotional, or mental harm or trauma resulting
90 from the crime upon which the claim is based;

91 ~~[(24)]~~ **(25)** "Private agency", a not-for-profit corporation, in good standing in this
92 state, which provides services to victims of crime and their dependents;

93 ~~[(25)]~~ **(26)** "Public agency", a part of any local or state government organization
94 which provides services to victims of crime;

95 ~~[(26)]~~ **(27)** "Relative", the spouse of the victim or a person related to the victim within
96 the third degree of consanguinity or affinity as calculated according to civil law;

97 ~~[(27)]~~ **(28)** "Survivor", the spouse, parent, legal guardian, grandparent, sibling or
98 child of the deceased victim of the victim's household at the time of the crime;

99 ~~[(28)]~~ **(29)** "Victim", a person who suffers personal injury or death as a direct result of
100 a crime, as defined in subdivision (5) of this subsection;

101 ~~[(29)]~~ **(30)** "Victim advocacy", assisting the victim of a crime and his dependents to
102 acquire services from existing community resources.

103 2. As used in sections 595.010 to 595.075, the term "alcohol-related traffic offense"
104 means those offenses defined by sections 577.001, 577.010, and 577.012, and any county or
105 municipal ordinance which prohibits operation of a motor vehicle while under the influence
106 of alcohol.

595.040. 1. Acceptance of any compensation under sections 595.010 to 595.075 shall
2 subrogate this state, to the extent of such compensation paid, to any right or right of action
3 accruing to the claimant or to the victim to recover payments on account of losses resulting
4 from the crime with respect to which the compensation has been paid. The attorney general
5 may enforce the subrogation, and he shall bring suit to recover from any person to whom
6 compensation is paid, to the extent of the compensation actually paid under sections 595.010
7 to 595.075, any amount received by the claimant from any source exceeding the actual loss to
8 the victim.

9 2. The department shall have a lien on any compensation received by the claimant, in
10 addition to compensation received under provisions of sections 595.010 to 595.075, for
11 injuries or death resulting from the incident upon which the claim is based. The claimant
12 shall retain, as trustee for the department, so much of the recovered funds as necessary to
13 reimburse the Missouri crime victims' compensation fund to the extent that compensation was
14 awarded to the claimant from that fund.

15 3. If a claimant initiates any legal proceeding to recover restitution or damages related
16 to the crime upon which the claim is based, or if the claimant enters into negotiations to
17 receive any proceeds in settlement of a claim for restitution or damages related to the crime,
18 the claimant shall give the department written notice within fifteen days of the filing of the
19 action or entering into negotiations. The department may intervene in the proceeding of a
20 ~~[complainant]~~ **claimant** to recover the compensation awarded. If a claimant fails to give such
21 written notice to the department within the stated time period, or prior to any attempt by
22 claimant to reach a negotiated settlement of claims for recovery of damages related to the
23 crime upon which the claim is based, the department's right of subrogation to receive or
24 recover funds from claimant, to the extent that compensation was awarded by the department,
25 shall not be reduced in any amount or percentage by the costs incurred by claimant
26 attributable to such legal proceedings or settlement, including, but not limited to, attorney's
27 fees, investigative cost or cost of court. If such notice is given, ~~[attorney]~~ **attorney's** fees
28 may be awarded in an amount not to exceed ~~[fifteen]~~ **ten** percent of the amount subrogated to
29 the department.

30 4. Whenever compensation is awarded to a claimant who is entitled to restitution
31 from a criminal defendant, the department may initiate restitution hearings in such criminal
32 proceedings or intervene in the same. The department shall be entitled to receive restitution
33 in such proceedings to the extent compensation was awarded; provided, however, the
34 department shall be exempt from the payment of any fees or other charges for the recording of
35 restitution orders in the offices of the judges of probate. The claimant shall notify this
36 department when restitution is ordered. Failure to notify the department will result in
37 possible forfeiture of any amount already received from the department.

38 5. Whenever the department shall deem it necessary to protect, maintain or enforce
39 the department's right to subrogation or to exercise any of its powers or to carry out any of its
40 duties or responsibilities, the attorney general may initiate legal proceedings or intervene in
41 legal proceedings as the department's legal representative.

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

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

15 3. The director of revenue shall deposit annually the amount of two hundred fifty
16 thousand dollars to the state forensic laboratory account administered by the department of
17 public safety to provide financial assistance to defray expenses of crime laboratories if such
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;

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

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

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

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

50 (2) ~~[Beginning on September 1, 2004, and]~~ On the first of each month the director of
51 revenue or the director's designee shall deposit fifty percent of the balance of funds available
52 to the credit of the crime victims' compensation fund and fifty percent to the services to
53 victims' fund established in section 595.100.

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

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

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

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

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

86 12. All awards made to **eligible** injured victims under sections 595.010 to 595.105
87 and all appropriations for administration of sections 595.010 to 595.105, except sections
88 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any
89 unexpended balance remaining in the crime victims' compensation fund at the end of each
90 biennium shall not be subject to the provision of section 33.080 requiring the transfer of such
91 unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime
92 victims' compensation fund. In the event that there are insufficient funds in the crime victims'
93 compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If
94 there are no funds in the crime victims' compensation fund, then no claim shall be paid until
95 funds have again accumulated in the crime victims' compensation fund. When sufficient
96 funds become available from the fund, awards which have not been paid shall be paid in
97 chronological order with the oldest paid first. In the event an award was to be paid in
98 installments and some remaining installments have not been paid due to a lack of funds, then
99 when funds do become available that award shall be paid in full. All such awards on which
100 installments remain due shall be paid in full in chronological order before any other postdated
101 award shall be paid. Any award pursuant to this subsection is specifically not a claim against
102 the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

103 13. When judgment is entered against a defendant as provided in this section and such
104 sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
105 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri
106 to such defendant an amount equal to the unpaid amount of such judgment. Such amount

107 shall be paid forthwith to the crime victims' compensation fund and satisfaction of such
108 judgment shall be entered on the court record. Under no circumstances shall the general
109 revenue fund be used to reimburse court costs or pay for such judgment. The director of the
110 department of corrections shall have the authority to pay into the crime victims' compensation
111 fund from an offender's compensation or account the amount owed by the offender to the
112 crime victims' compensation fund, provided that the offender has failed to pay the amount
113 owed to the fund prior to entering a correctional facility of the department of corrections.

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

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

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

123 **17. The department of public safety shall verify compliance with the eligibility**
124 **requirements of any claimant purporting to be an eligible injured victim under this**
125 **section prior to authorizing payment from the crime victims' compensation fund and**
126 **shall deny any claim that fails to meet such requirements.**

✓