

SECOND REGULAR SESSION

# HOUSE BILL NO. 2694

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE STEINMEYER.

6474H.01I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal sections 590.145, 595.045, 650.277, and 701.377, RSMo, and to enact in lieu thereof four new sections relating to the transfer of moneys in certain funds at the end of any biennium.

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

Section A. Sections 590.145, 595.045, 650.277, and 701.377, RSMo, are repealed  
2 and four new sections enacted in lieu thereof, to be known as sections 590.145, 595.045,  
3 650.277, and 701.377, to read as follows:

590.145. All moneys received by the Missouri state highway patrol for the training of  
2 peace officers who are not members of the state highway patrol shall be deposited in the state  
3 treasury to the credit of the "Highway Patrol Academy Fund" which is hereby created.  
4 ~~[Subject to section 33.080,]~~ Balances from this fund shall be made available for the repair,  
5 maintenance, operation, and personal services required to operate the patrol academy and for  
6 no other purpose. **Notwithstanding the provisions of section 33.080 to the contrary,**  
7 **moneys in the highway patrol academy fund at the end of any biennium shall not be**  
8 **transferred to the credit of the general revenue fund.**

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

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.

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. **Notwithstanding the provisions of section**  
23 **33.080 to the contrary, moneys in the crime victims' compensation fund at the end of any**  
24 **biennium shall not be transferred to the credit of the general revenue fund.**

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

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

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

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

42 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this  
43 section shall be collected and disbursed as provided by sections 488.010 to 488.020. Five  
44 percent of such moneys shall be payable to the city treasury of the city from which such funds

45 were collected. The remaining ninety-five percent of such moneys shall be payable to the  
46 director of revenue. The funds received by the director of revenue pursuant to this subsection  
47 shall be distributed as follows:

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

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.

650.277. 1. As otherwise provided by sections 650.200 to 650.295, the boiler and  
2 pressure vessel board shall set fees for inspection, permits, licenses, and certificates required  
3 by sections 650.200 to 650.295. Fees shall be determined by the board to provide sufficient  
4 funds for the operation of the board and shall be set by rule or regulation promulgated in  
5 accordance with the provisions of section 536.021. The board may alter the fee schedule once  
6 every two years. Any funds collected pursuant to sections 650.200 to 650.295 shall be  
7 deposited in the "Boiler and Pressure Vessels Safety Fund", which is hereby created.  
8 Beginning July 1, 2003, moneys in the fund shall be appropriated from the fund for the  
9 expenses of the board. A municipality or other political subdivision enforcing the provisions  
10 of sections 650.200 to 650.295 and which performs the inspections, permitting, licensing, and  
11 certification as required, the fee for such inspection shall be paid directly to the municipality  
12 or political subdivision and shall not be preempted by sections 650.200 to 650.295, except  
13 that any fee established by the board for the issuance of appropriate state certificates shall be  
14 paid to the board. **Notwithstanding the provisions of section 33.080 to the contrary,**  
15 **moneys in the boiler and pressure vessels safety fund at the end of any biennium shall**  
16 **not be transferred to the credit of the general revenue fund.**

17 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
18 created under the authority delegated in this section or under the authority of sections 650.210  
19 to 650.275 shall become effective only if it complies with and is subject to all of the  
20 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536  
21 are nonseverable and if any of the powers vested with the general assembly pursuant to  
22 chapter 536 to review, to delay the effective date or to disapprove and annul a rule are  
23 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
24 proposed or adopted after August 28, 2002, shall be invalid and void.

701.377. As otherwise provided by sections 701.350 to 701.380, the elevator safety  
2 board shall set fees for inspection, permits, licenses, certificates, and plan review required by  
3 the provisions of sections 701.350 to 701.380. Fees shall be determined by the elevator safety  
4 board to provide sufficient funds for the operation of the board, except that no fee for the

5 certificate shall exceed twenty-five dollars. The elevator safety board may alter the fee  
6 schedule once each year. Any funds collected pursuant to sections 701.350 to 701.380 and  
7 sections 316.200 to 316.237 shall be deposited in the "Elevator Safety Fund" which is hereby  
8 created. Moneys shall be appropriated from the fund for the expense and functions of the  
9 elevator safety and amusement ride safety boards. ~~[Any unexpended funds in the elevator~~  
10 ~~safety fund at the close of the biennium shall revert to the general revenue as required by~~  
11 ~~section 33.080.]~~ **Notwithstanding the provisions of section 33.080 to the contrary,**  
12 **moneys in the elevator safety fund at the end of any biennium shall not be transferred to**  
13 **the credit of the general revenue fund.** A municipality or other political subdivision  
14 enforcing the provisions of sections 701.350 to 701.380 under the provisions of subsection 2  
15 of section 701.365 and which performs the plan review, permitting, inspections, and  
16 certifications as required, the fee for that inspection shall be paid directly to the municipality  
17 or political subdivision and shall not be preempted by sections 701.350 to 701.380, except  
18 that any fee established by the elevator safety board for the issuance of appropriate state  
19 certificates shall be paid to the elevator safety board.

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