

SECOND REGULAR SESSION

SENATE BILL NO. 592

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NODLER.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3208S.02I

AN ACT

To repeal section 595.045, RSMo, and to enact in lieu thereof one new section relating to the crime victims' compensation fund, with penalty provisions.

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

Section A. Section 595.045, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 595.045, to read as follows:

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

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

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 registered with the federal Drug Enforcement Agency or the Missouri department
21 of health and senior services. Subject to appropriations made therefor, such
22 funds shall be distributed by the department of public safety to the crime
23 laboratories serving the courts of this state making analysis of a controlled
24 substance or analysis of blood, breath or urine in relation to a court proceeding.
25 **An additional three hundred fifty thousand dollars shall be deposited**
26 **annually by the director of revenue into such account for the sole**
27 **purpose of providing financial assistance to regional crime laboratories**
28 **to defray expenses, provided that such laboratories are registered with**
29 **the federal Drug Enforcement Agency or the Missouri department of**
30 **health and senior services.**

31 4. **In addition to the money deposited under subdivision (2) of**
32 **subsection 5 of this section, three hundred fifty thousand dollars shall**
33 **be deposited annually by the director of revenue into the services to**
34 **victims' fund established in section 595.100 to be used for the sole**
35 **purpose of providing financial assistance as provided by section**
36 **595.105.**

37 5. The remaining funds collected under subsection 1 of this section shall
38 be denoted to the payment of an annual appropriation for the administrative and
39 operational costs of the office for victims of crime and, if a statewide automated
40 crime victim notification system is established pursuant to section 650.310,
41 RSMo, to the monthly payment of expenditures actually incurred in the operation
42 of such system. Additional remaining funds shall be subject to the following
43 provisions:

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

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

52 [5.] 6. The director of revenue or such director's designee shall at least
53 monthly report the moneys paid pursuant to this section into the crime victims'
54 compensation fund and the services to victims fund to the division of workers'
55 compensation and the department of public safety, respectively.

56 [6.] 7. The moneys collected by clerks of municipal courts pursuant to
57 subsection 1 of this section shall be collected and disbursed as provided by
58 sections 488.010 to 488.020, RSMo. Five percent of such moneys shall be payable
59 to the city treasury of the city from which such funds were collected. The
60 remaining ninety-five percent of such moneys shall be payable to the director of
61 revenue. The funds received by the director of revenue pursuant to this
62 subsection shall be distributed as follows:

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

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

71 [7.] 8. These funds shall be subject to a biennial audit by the Missouri
72 state auditor. Such audit shall include all records associated with crime victims'
73 compensation funds collected, held or disbursed by any state agency.

74 [8.] 9. In addition to the moneys collected pursuant to subsection 1 of
75 this section, the court shall enter a judgment in favor of the state of Missouri,
76 payable to the crime victims' compensation fund, of sixty-eight dollars upon a plea
77 of guilty or a finding of guilt for a class A or B felony; forty-six dollars upon a
78 plea of guilty or finding of guilt for a class C or D felony; and ten dollars upon a
79 plea of guilty or a finding of guilt for any misdemeanor under Missouri law except
80 for those in chapter 252, RSMo, relating to fish and game, chapter 302, RSMo,
81 relating to drivers' and commercial drivers' license, chapter 303, RSMo, relating
82 to motor vehicle financial responsibility, chapter 304, RSMo, relating to traffic
83 regulations, chapter 306, RSMo, relating to watercraft regulation and licensing,
84 and chapter 307, RSMo, relating to vehicle equipment regulations. Any clerk of
85 the court receiving moneys pursuant to such judgments shall collect and disburse
86 such crime victims' compensation judgments in the manner provided by sections
87 488.010 to 488.020, RSMo. Such funds shall be payable to the state treasury and
88 deposited to the credit of the crime victims' compensation fund.

89 [9.] 10. The clerk of the court processing such funds shall maintain
90 records of all dispositions described in subsection 1 of this section and all
91 dispositions where a judgment has been entered against a defendant in favor of

92 the state of Missouri in accordance with this section; all payments made on
93 judgments for alcohol-related traffic offenses; and any judgment or portion of a
94 judgment entered but not collected. These records shall be subject to audit by the
95 state auditor. The clerk of each court transmitting such funds shall report
96 separately the amount of dollars collected on judgments entered for
97 alcohol-related traffic offenses from other crime victims' compensation collections
98 or services to victims collections.

99 [10.] 11. The department of revenue shall maintain records of funds
100 transmitted to the crime victims' compensation fund by each reporting court and
101 collections pursuant to subsection 16 of this section and shall maintain separate
102 records of collection for alcohol-related offenses.

103 [11.] 12. The state courts administrator shall include in the annual
104 report required by section 476.350, RSMo, the circuit court caseloads and the
105 number of crime victims' compensation judgments entered.

106 [12.] 13. All awards made to injured victims under sections 595.010 to
107 595.105 and all appropriations for administration of sections 595.010 to 595.105,
108 except sections 595.050 and 595.055, shall be made from the crime victims'
109 compensation fund. Any unexpended balance remaining in the crime victims'
110 compensation fund at the end of each biennium shall not be subject to the
111 provision of section 33.080, RSMo, requiring the transfer of such unexpended
112 balance to the ordinary revenue fund of the state, but shall remain in the crime
113 victims' compensation fund. In the event that there are insufficient funds in the
114 crime victims' compensation fund to pay all claims in full, all claims shall be paid
115 on a pro rata basis. If there are no funds in the crime victims' compensation
116 fund, then no claim shall be paid until funds have again accumulated in the crime
117 victims' compensation fund. When sufficient funds become available from the
118 fund, awards which have not been paid shall be paid in chronological order with
119 the oldest paid first. In the event an award was to be paid in installments and
120 some remaining installments have not been paid due to a lack of funds, then
121 when funds do become available that award shall be paid in full. All such awards
122 on which installments remain due shall be paid in full in chronological order
123 before any other postdated award shall be paid. Any award pursuant to this
124 subsection is specifically not a claim against the state, if it cannot be paid due to
125 a lack of funds in the crime victims' compensation fund.

126 [13.] 14. When judgment is entered against a defendant as provided in
127 this section and such sum, or any part thereof, remains unpaid, there shall be

128 withheld from any disbursement, payment, benefit, compensation, salary, or other
129 transfer of money from the state of Missouri to such defendant an amount equal
130 to the unpaid amount of such judgment. Such amount shall be paid forthwith to
131 the crime victims' compensation fund and satisfaction of such judgment shall be
132 entered on the court record. Under no circumstances shall the general revenue
133 fund be used to reimburse court costs or pay for such judgment. The director of
134 the department of corrections shall have the authority to pay into the crime
135 victims' compensation fund from an offender's compensation or account the
136 amount owed by the offender to the crime victims' compensation fund, provided
137 that the offender has failed to pay the amount owed to the fund prior to entering
138 a correctional facility of the department of corrections.

139 [14.] 15. All interest earned as a result of investing funds in the crime
140 victims' compensation fund shall be paid into the crime victims' compensation
141 fund and not into the general revenue of this state.

142 [15.] 16. Any person who knowingly makes a fraudulent claim or false
143 statement in connection with any claim hereunder is guilty of a class A
144 misdemeanor.

145 [16.] 17. Any gifts, contributions, grants or federal funds specifically
146 given to the division for the benefit of victims of crime shall be credited to the
147 crime victims' compensation fund. Payment or expenditure of moneys in such
148 funds shall comply with any applicable federal crime victims' compensation laws,
149 rules, regulations or other applicable federal guidelines.

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