

SECOND REGULAR SESSION

# SENATE BILL NO. 880

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time February 2, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4877S.011

## AN ACT

To repeal section 478.009, RSMo, and to enact in lieu thereof two new sections relating to intoxication-related traffic offenses.

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

Section A. Section 478.009, RSMo, is repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 478.009 and 488.021, to read as  
3 follows:

478.009. 1. In order to coordinate the allocation of resources available to  
2 drug courts, **including any DWI dockets or courts established under such**  
3 **drug courts**, throughout the state, there is hereby established a "Drug and DWI  
4 Courts Coordinating Commission" in the judicial department. The drug **and**  
5 **DWI** courts coordinating commission shall consist of one member selected by the  
6 director of the department of corrections; one member selected by the director of  
7 the department of social services; one member selected by the director of the  
8 department of mental health; one member selected by the director of the  
9 department of public safety; one member selected by the state courts  
10 administrator; and three members selected by the supreme court. The supreme  
11 court shall designate the chair of the commission. The commission shall  
12 periodically meet at the call of the chair; evaluate resources available for  
13 assessment and treatment of persons assigned to drug courts **and DWI courts**  
14 or for operation of drug **and DWI** courts; secure grants, funds and other property  
15 and services necessary or desirable to facilitate drug **and DWI** court operation;  
16 and allocate such resources among the various drug **and DWI** courts operating  
17 within the state.

18 2. There is hereby established in the state treasury a "Drug **and DWI**  
19 Court Resources Fund", which shall be administered by the drug **and DWI** courts

20 coordinating commission. Funds available for allocation or distribution by the  
21 drug **and DWI** courts coordinating commission may be deposited into the drug  
22 **and DWI** court resources fund. Notwithstanding the provisions of section 33.080,  
23 RSMo, to the contrary, moneys in the drug **and DWI** court resources fund shall  
24 not be transferred or placed to the credit of the general revenue fund of the state  
25 at the end of each biennium, but shall remain deposited to the credit of the drug  
26 **and DWI** court resources fund.

488.021. 1. In addition to any other surcharges authorized by  
2 statute, the clerk of each court of this state shall collect the surcharges  
3 provided for in subsection 2 of this section.

4 2. A surcharge of one hundred dollars shall be assessed as costs  
5 in each circuit court proceeding filed within this state in all criminal  
6 cases in which the defendant pleads guilty or nolo contendere to or is  
7 found guilty of an intoxication-related traffic offense as defined in  
8 section 577.023.

9 3. Notwithstanding any other provision of law, the moneys  
10 collected by clerks of the courts under the provisions of subsection 1  
11 of this section shall be collected and disbursed in accordance with  
12 sections 488.010 to 488.020 and shall be payable to the state treasurer.

13 4. The state treasurer shall deposit such moneys or other gifts,  
14 grants, or moneys received on a monthly basis into the "Drug and DWI  
15 Court Resources Fund" established under section 478.009 to be used  
16 only to support the operation of any DWI dockets or courts established  
17 under the drug courts in chapter 478.

✓

Copy