

FIRST REGULAR SESSION

SENATE BILL NO. 512

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Read 1st time March 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2034S.01I

AN ACT

To repeal sections 479.170, 488.029, 557.035, 565.076, 565.091, 566.010, 575.280, 577.001, 577.010, and 595.045, RSMo, and to enact in lieu thereof eleven new sections relating to criminal offenses, with penalty provisions.

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

Section A. Sections 479.170, 488.029, 557.035, 565.076, 565.091, 566.010, 575.280, 577.001, 577.010, and 595.045, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 252.069, 479.170, 488.029, 557.035, 565.076, 565.091, 566.010, 575.280, 577.001, 577.010, and 595.045, to read as follows:

252.069. Any agent of the conservation commission may enforce the provisions of sections 577.070 and 577.080 and arrest violators thereof only upon the water, the banks thereof, or upon public land.

479.170. 1. If, in the progress of any trial before a municipal judge, it shall appear to the judge that the accused ought to be put upon trial for an offense against the criminal laws of the state and not cognizable before him as municipal judge, he shall immediately stop all further proceedings before him as municipal judge and cause the complaint to be made before some associate circuit judge within the county.

2. For purposes of this section, any offense involving the operation of a motor vehicle in an intoxicated condition as defined in section 577.001 shall not be cognizable in municipal court, if the defendant has been convicted, found guilty, or pled guilty to two or more previous intoxication-related traffic offenses as defined in section [577.023] **577.001**, or has had two or more previous alcohol-related enforcement contacts as defined in section 302.525.

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

488.029. There shall be assessed and collected a surcharge of one hundred
2 fifty dollars in all criminal cases for any violation of chapter 195 **or chapter 579**
3 in which a crime laboratory makes analysis of a controlled substance, but no such
4 surcharge shall be assessed when the costs are waived or are to be paid by the
5 state or when a criminal proceeding or the defendant has been dismissed by the
6 court. The moneys collected by clerks of the courts pursuant to the provisions of
7 this section shall be collected and disbursed as provided by sections 488.010 to
8 488.020. All such moneys shall be payable to the director of revenue, who shall
9 deposit all amounts collected pursuant to this section to the credit of the state
10 forensic laboratory account to be administered by the department of public safety
11 pursuant to section 650.105.

557.035. 1. For all violations of subdivision (1) of subsection 1 of section
2 569.100 or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section
3 571.030, which the state believes to be knowingly motivated because of race,
4 color, religion, national origin, sex, sexual orientation or disability of the victim
5 or victims, the state may charge the offense or offenses under this section, and
6 the violation is a class D felony.

7 2. For all violations of section ~~[565.054]~~ **565.056**; subdivisions (1), (3) and
8 (4) of subsection 1 of section 565.090; subdivision (1) of subsection 1 of section
9 569.090; subdivision (1) of subsection 1 of section 569.120; section 569.140; or
10 section 574.050; which the state believes to be knowingly motivated because of
11 race, color, religion, national origin, sex, sexual orientation or disability of the
12 victim or victims, the state may charge the offense or offenses under this section,
13 and the violation is a class E felony.

14 3. The court shall assess punishment in all of the cases in which the state
15 pleads and proves any of the motivating factors listed in this section.

565.076. 1. A person commits the offense of domestic assault in the fourth
2 degree if the act involves a domestic victim, as the term "domestic victim" is
3 defined under section 565.002, and:

4 (1) The person attempts to cause or recklessly causes physical injury,
5 physical pain, or illness to such domestic victim;

6 (2) With criminal negligence the person causes physical injury to such
7 domestic victim by means of a deadly weapon or dangerous instrument;

8 (3) The person purposely places such domestic victim in apprehension of
9 immediate physical injury by any means;

10 (4) The person recklessly engages in conduct which creates a substantial

11 risk of death or serious physical injury to such domestic victim;

12 (5) The person knowingly causes physical contact with such domestic
13 victim knowing he or she will regard the contact as offensive; or

14 (6) The person knowingly attempts to cause or causes the isolation of such
15 domestic victim by unreasonably and substantially restricting or limiting his or
16 her access to other persons, telecommunication devices or transportation for the
17 purpose of isolation.

18 2. The offense of domestic assault in the fourth degree is a class A
19 misdemeanor, unless the person has previously been found guilty of the offense
20 of **domestic assault [of a domestic victim], or of any assault offense under**
21 **this chapter, or of any offense against a domestic victim committed in**
22 **violation of any county or municipal ordinance in any state, any state**
23 **law, any federal law, or any military law which, if committed in this**
24 **state, two or more times, would be a violation of this section,** in which case
25 it is a class E felony. The offenses described in this subsection may be against
26 the same domestic victim or against different domestic victims.

565.091. 1. A person commits the offense of harassment in the second
2 degree if he or she, without good cause, engages in any act with the purpose to
3 cause emotional distress to another person.

4 2. The offense of harassment in the second degree is a class A
5 misdemeanor, **unless the person has previously pleaded guilty to or been**
6 **found guilty of a violation of this section, or of any offense committed**
7 **in violation of any county or municipal ordinance in any state, any**
8 **state law, any federal law, or any military law which, if committed in**
9 **this state, would be chargeable or indictable as a violation of any**
10 **offense listed in this section. In such cases, harassment in the second**
11 **degree shall be a class E felony.**

12 3. **This section shall not apply to activities of federal, state,**
13 **county, or municipal law enforcement officers conducting**
14 **investigations of violation of federal, state, county, or municipal law.**

566.010. As used in this chapter and chapter 568, the following terms
2 mean:

3 (1) "Aggravated sexual offense", any sexual offense, in the course of which,
4 the actor:

5 (a) Inflicts serious physical injury on the victim; or

6 (b) Displays a deadly weapon or dangerous instrument in a threatening

7 manner; or

8 (c) Subjects the victim to sexual intercourse or deviate sexual intercourse
9 with more than one person; or

10 (d) Had previously been found guilty of an offense under this chapter or
11 under section 573.200, child used in sexual performance; section 573.205,
12 promoting sexual performance by a child; section 573.023, sexual exploitation of
13 a minor; section 573.025, promoting child pornography in the first degree; section
14 573.035, promoting child pornography in the second degree; section 573.037,
15 possession of child pornography; or section 573.040, furnishing pornographic
16 materials to minors; or has previously been found guilty of an offense in another
17 jurisdiction which would constitute an offense under this chapter or said sections;
18 **or**

19 (e) Commits the offense as part of an act or series of acts performed by
20 two or more persons as part of an established or prescribed pattern of activity; or

21 (f) Engages in the act that constitutes the offense with a person the actor
22 knows to be, without regard to legitimacy, the actor's:

23 a. Ancestor or descendant by blood or adoption; **or**

24 b. Stepchild while the marriage creating that relationship exists; **or**

25 c. Brother or sister of the whole or half blood; or

26 d. Uncle, aunt, nephew, or niece of the whole blood;

27 (2) "Commercial sex act", any sex act on account of which anything of
28 value is given to or received by any person;

29 (3) "Deviate sexual intercourse", any act involving the genitals of one
30 person and the hand, mouth, tongue, or anus of another person or a sexual act
31 involving the penetration, however slight, of the penis, female genitalia, or the
32 anus by a finger, instrument or object done for the purpose of arousing or
33 gratifying the sexual desire of any person or for the purpose of terrorizing the
34 victim;

35 (4) "Forced labor", a condition of servitude induced by means of:

36 (a) Any scheme, plan, or pattern of behavior intended to cause a person
37 to believe that, if the person does not enter into or continue the servitude, such
38 person or another person will suffer substantial bodily harm or physical restraint;
39 **or**

40 (b) The abuse or threatened abuse of the legal process;

41 (5) "Sexual conduct", sexual intercourse, deviate sexual intercourse or
42 sexual contact;

43 (6) "Sexual contact", any touching of another person with the genitals or
44 any touching of the genitals or anus of another person, or the breast of a female
45 person, or such touching through the clothing, for the purpose of arousing or
46 gratifying the sexual desire of any person or for the purpose of terrorizing the
47 victim;

48 (7) "Sexual intercourse", any penetration, however slight, of the female
49 genitalia by the penis.

575.280. 1. A person commits the offense of acceding to corruption if he
2 or she:

3 (1) Is a judge, juror, special master, referee or arbitrator and knowingly
4 solicits, accepts, or agrees to accept any benefit, direct or indirect, on the
5 representation or understanding that it will influence his or her official action in
6 a judicial proceeding pending in any court or before such official or juror;

7 (2) Is a witness or prospective witness in any official proceeding and
8 knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on
9 the representation or understanding that he or she will disobey a subpoena or
10 other legal process, absent himself or herself, avoid subpoena or other legal
11 process, withhold evidence, information or documents, or testify falsely.

12 2. The offense of acceding to corruption under subdivision [(2)] (1) of
13 subsection 1 of this section is a class [A misdemeanor] **C felony**. The offense[,
14 when committed] **of acceding to corruption** under subdivision [(1)] (2) of
15 subsection 1 of this section[, is a class C felony; unless the offense is committed]
16 in a felony prosecution, or on the representation or understanding of testifying
17 falsely[, in which case it] is a class [E] **D felony**. **Otherwise, acceding to**
18 **corruption is a class A misdemeanor.**

577.001. As used in this chapter, the following terms mean:

2 (1) "Aggravated offender", a person who has been found guilty of:

3 (a) Three or more intoxication-related traffic offenses committed on
4 separate occasions; or

5 (b) Two or more intoxication-related traffic offenses committed on separate
6 occasions where at least one of the intoxication-related traffic offenses is an
7 offense committed in violation of any state law, county or municipal ordinance,
8 any federal offense, or any military offense in which the defendant was operating
9 a vehicle while intoxicated and another person was injured or killed;

10 (2) "Aggravated boating offender", a person who has been found guilty of:

11 (a) Three or more intoxication-related boating offenses; or

12 (b) Two or more intoxication-related boating offenses committed on
13 separate occasions where at least one of the intoxication-related boating offenses
14 is an offense committed in violation of any state law, county or municipal
15 ordinance, any federal offense, or any military offense in which the defendant was
16 operating a vessel while intoxicated and another person was injured or killed;

17 (3) "All-terrain vehicle", any motorized vehicle manufactured and used
18 exclusively for off-highway use which is fifty inches or less in width, with an
19 unladen dry weight of one thousand pounds or less, traveling on three, four or
20 more low pressure tires, with a seat designed to be straddled by the operator, or
21 with a seat designed to carry more than one person, and handlebars for steering
22 control;

23 (4) "Court", any circuit, associate circuit, or municipal court, including
24 traffic court, but not any juvenile court or drug court;

25 (5) "Chronic offender", a person who has been found guilty of:

26 (a) Four or more intoxication-related traffic offenses committed on
27 separate occasions; or

28 (b) Three or more intoxication-related traffic offenses committed on
29 separate occasions where at least one of the intoxication-related traffic offenses
30 is an offense committed in violation of any state law, county or municipal
31 ordinance, any federal offense, or any military offense in which the defendant was
32 operating a vehicle while intoxicated and another person was injured or killed;
33 or

34 (c) Two or more intoxication-related traffic offenses committed on separate
35 occasions where both intoxication-related traffic offenses were offenses committed
36 in violation of any state law, county or municipal ordinance, any federal offense,
37 or any military offense in which the defendant was operating a vehicle while
38 intoxicated and another person was injured or killed;

39 (6) "Chronic boating offender", a person who has been found guilty of:

40 (a) Four or more intoxication-related boating offenses; or

41 (b) Three or more intoxication-related boating offenses committed on
42 separate occasions where at least one of the intoxication-related boating offenses
43 is an offense committed in violation of any state law, county or municipal
44 ordinance, any federal offense, or any military offense in which the defendant was
45 operating a vessel while intoxicated and another person was injured or killed; or

46 (c) Two or more intoxication-related boating offenses committed on
47 separate occasions where both intoxication-related boating offenses were offenses

48 committed in violation of any state law, county or municipal ordinance, any
49 federal offense, or any military offense in which the defendant was operating a
50 vessel while intoxicated and another person was injured or killed;

51 (7) "Continuous alcohol monitoring", automatically testing breath, blood,
52 or transdermal alcohol concentration levels and tampering attempts at least once
53 every hour, regardless of the location of the person who is being monitored, and
54 regularly transmitting the data. Continuous alcohol monitoring shall be
55 considered an electronic monitoring service under subsection 3 of section 217.690;

56 (8) "Controlled substance", a drug, substance, or immediate precursor in
57 schedules I to V listed in section 195.017;

58 (9) "Drive", "driving", "operates" or "operating", means physically driving
59 or operating a vehicle or vessel;

60 (10) "Flight crew member", the pilot in command, copilots, flight
61 engineers, and flight navigators;

62 (11) "Habitual offender", a person who has been found guilty of:

63 (a) Five or more intoxication-related traffic offenses committed on
64 separate occasions; or

65 (b) Four or more intoxication-related traffic offenses committed on
66 separate occasions where at least one of the intoxication-related traffic offenses
67 is an offense committed in violation of any state law, county or municipal
68 ordinance, any federal offense, or any military offense in which the defendant was
69 operating a vehicle while intoxicated and another person was injured or killed;
70 or

71 (c) Three or more intoxication-related traffic offenses committed on
72 separate occasions where at least two of the intoxication-related traffic offenses
73 were offenses committed in violation of any state law, county or municipal
74 ordinance, any federal offense, or any military offense in which the defendant was
75 operating a vehicle while intoxicated and another person was injured or killed;
76 [or

77 (d) While driving while intoxicated, the defendant acted with criminal
78 negligence to:

79 a. Cause the death of any person not a passenger in the vehicle operated
80 by the defendant, including the death of an individual that results from the
81 defendant's vehicle leaving a highway, as defined by section 301.010, or the
82 highway's right-of-way; or

83 b. Cause the death of two or more persons; or

84 c. Cause the death of any person while he or she has a blood alcohol
85 content of at least eighteen-hundredths of one percent by weight of alcohol in
86 such person's blood;]

87 (12) "Habitual boating offender", a person who has been found guilty of:

88 (a) Five or more intoxication-related boating offenses; or

89 (b) Four or more intoxication-related boating offenses committed on
90 separate occasions where at least one of the intoxication-related boating offenses
91 is an offense committed in violation of any state law, county or municipal
92 ordinance, any federal offense, or any military offense in which the defendant was
93 operating a vessel while intoxicated and another person was injured or killed; or

94 (c) Three or more intoxication-related boating offenses committed on
95 separate occasions where at least two of the intoxication-related boating offenses
96 were offenses committed in violation of any state law, county or municipal
97 ordinance, any federal offense, or any military offense in which the defendant was
98 operating a vessel while intoxicated and another person was injured or killed; or
99 (d) While boating while intoxicated, the defendant acted with criminal
100 negligence to:

101 a. Cause the death of any person not a passenger in the vessel operated
102 by the defendant, including the death of an individual that results from the
103 defendant's vessel leaving the water; or

104 b. Cause the death of two or more persons; or

105 c. Cause the death of any person while he or she has a blood alcohol
106 content of at least eighteen-hundredths of one percent by weight of alcohol in
107 such person's blood;

108 (13) "Intoxicated" or "intoxicated condition", when a person is under the
109 influence of alcohol, a controlled substance, or drug, or any combination thereof;

110 (14) "Intoxication-related boating offense", operating a vessel while
111 intoxicated; boating while intoxicated; operating a vessel with excessive blood
112 alcohol content or an offense in which the defendant was operating a vessel while
113 intoxicated and another person was injured or killed in violation of any state law,
114 county or municipal ordinance, any federal offense, or any military offense;

115 (15) "Intoxication-related traffic offense", driving while intoxicated,
116 driving with excessive blood alcohol content, driving under the influence of
117 alcohol or drugs in violation of **state law**, a county or municipal ordinance, **any**
118 **federal offense, or any military offense**, or an offense in which the defendant
119 was operating a vehicle while intoxicated and another person was injured or

120 killed in violation of any state law, county or municipal ordinance, any federal
121 offense, or any military offense;

122 (16) "Law enforcement officer" or "arresting officer", includes the
123 definition of law enforcement officer in section 556.061 and military policemen
124 conducting traffic enforcement operations on a federal military installation under
125 military jurisdiction in the state of Missouri;

126 (17) "Operate a vessel", to physically control the movement of a vessel in
127 motion under mechanical or sail power in water;

128 (18) "Persistent offender", a person who has been found guilty of:

129 (a) Two or more intoxication-related traffic offenses committed on separate
130 occasions; or

131 (b) One intoxication-related traffic offense committed in violation of any
132 state law, county or municipal ordinance, federal offense, or military offense in
133 which the defendant was operating a vehicle while intoxicated and another person
134 was injured or killed;

135 (19) "Persistent boating offender", a person who has been found guilty of:

136 (a) Two or more intoxication-related boating offenses committed on
137 separate occasions; or

138 (b) One intoxication-related boating offense committed in violation of any
139 state law, county or municipal ordinance, federal offense, or military offense in
140 which the defendant was operating a vessel while intoxicated and another person
141 was injured or killed;

142 (20) "Prior offender", a person who has been found guilty of one
143 intoxication-related traffic offense, where such prior offense occurred within five
144 years of the occurrence of the intoxication-related traffic offense for which the
145 person is charged;

146 (21) "Prior boating offender", a person who has been found guilty of one
147 intoxication-related boating offense, where such prior offense occurred within five
148 years of the occurrence of the intoxication-related boating offense for which the
149 person is charged.

577.010. 1. A person commits the offense of driving while intoxicated if
2 he or she operates a vehicle while in an intoxicated condition.

3 2. The offense of driving while intoxicated is:

4 (1) A class B misdemeanor;

5 (2) A class A misdemeanor if:

6 (a) The defendant is a prior offender; or

- 7 (b) A person less than seventeen years of age is present in the vehicle;
8 (3) A class E felony if:
9 (a) The defendant is a persistent offender; or
10 (b) While driving while intoxicated, the defendant acts with criminal
11 negligence to cause physical injury to another person;
12 (4) A class D felony if:
13 (a) The defendant is an aggravated offender;
14 (b) While driving while intoxicated, the defendant acts with criminal
15 negligence to cause physical injury to a law enforcement officer or emergency
16 personnel; or
17 (c) While driving while intoxicated, the defendant acts with criminal
18 negligence to cause serious physical injury to another person;
19 (5) A class C felony if:
20 (a) The defendant is a chronic offender;
21 (b) While driving while intoxicated, the defendant acts with criminal
22 negligence to cause serious physical injury to a law enforcement officer or
23 emergency personnel; or
24 (c) While driving while intoxicated, the defendant acts with criminal
25 negligence to cause the death of another person;
26 (6) A class B felony if:
27 (a) The defendant is a habitual offender; or
28 (b) While driving while intoxicated, the defendant acts with criminal
29 negligence to cause the death of a law enforcement officer or emergency
30 personnel; or
31 **(c) While driving while intoxicated, the defendant acts with**
32 **criminal negligence to cause the death of any person not a passenger**
33 **in the vehicle operated by the defendant, including the death of an**
34 **individual that results from the defendant's vehicle leaving a highway,**
35 **as defined by section 301.010, or the highway's right-of-way; or**
36 **(d) While driving while intoxicated, the defendant acts with**
37 **criminal negligence to cause the death of two or more persons; or**
38 **(e) While driving while intoxicated, the defendant acts with**
39 **criminal negligence to cause the death of any person while he or she**
40 **has a blood alcohol content of at least eighteen-hundredths of one**
41 **percent by weight of alcohol in such person's blood;**
42 (7) A class A felony if the defendant [is a habitual offender as a result of

43 being] **has been previously** found guilty of an [act described under paragraph
44 (d) of subdivision (11) of section 577.001] **offense under paragraphs (a), (b),**
45 **(c), (d), or (e) of subdivision (6) of this subsection** and is found guilty of a
46 subsequent violation of such [paragraph] **paragraphs.**

47 3. Notwithstanding the provisions of subsection 2 of this section, a person
48 found guilty of the offense of driving while intoxicated as a first offense shall not
49 be granted a suspended imposition of sentence:

50 (1) Unless such person shall be placed on probation for a minimum of two
51 years; or

52 (2) In a circuit where a DWI court or docket created under section 478.007
53 or other court-ordered treatment program is available, and where the offense was
54 committed with fifteen-hundredths of one percent or more by weight of alcohol in
55 such person's blood, unless the individual participates and successfully completes
56 a program under such DWI court or docket or other court-ordered treatment
57 program.

58 4. If a person is found guilty of a second or subsequent offense of driving
59 while intoxicated, the court may order the person to submit to a period of
60 continuous alcohol monitoring or verifiable breath alcohol testing performed a
61 minimum of four times per day as a condition of probation.

62 5. If a person is not granted a suspended imposition of sentence for the
63 reasons described in subsection 3 of this section:

64 (1) If the individual operated the vehicle with fifteen-hundredths to
65 twenty-hundredths of one percent by weight of alcohol in such person's blood, the
66 required term of imprisonment shall be not less than forty-eight hours;

67 (2) If the individual operated the vehicle with greater than
68 twenty-hundredths of one percent by weight of alcohol in such person's blood, the
69 required term of imprisonment shall be not less than five days.

70 6. A person found guilty of the offense of driving while intoxicated:

71 (1) As a prior offender, persistent offender, aggravated offender, chronic
72 offender, or habitual offender shall not be granted a suspended imposition of
73 sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section
74 557.011 to the contrary notwithstanding;

75 (2) As a prior offender shall not be granted parole or probation until he
76 or she has served a minimum of ten days imprisonment:

77 (a) Unless as a condition of such parole or probation such person performs
78 at least thirty days of community service under the supervision of the court in

79 those jurisdictions which have a recognized program for community service; or

80 (b) The offender participates in and successfully completes a program
81 established under section 478.007 or other court-ordered treatment program, if
82 available, and as part of either program, the offender performs at least thirty
83 days of community service under the supervision of the court;

84 (3) As a persistent offender shall not be eligible for parole or probation
85 until he or she has served a minimum of thirty days imprisonment;

86 (a) Unless as a condition of such parole or probation such person performs
87 at least sixty days of community service under the supervision of the court in
88 those jurisdictions which have a recognized program for community service; or

89 (b) The offender participates in and successfully completes a program
90 established under section 478.007 or other court-ordered treatment program, if
91 available, and as part of either program, the offender performs at least sixty days
92 of community service under the supervision of the court;

93 (4) As an aggravated offender shall not be eligible for parole or probation
94 until he or she has served a minimum of sixty days imprisonment;

95 (5) As a chronic or habitual offender shall not be eligible for parole or
96 probation until he or she has served a minimum of two years imprisonment; and

97 (6) Any probation or parole granted under this subsection may include a
98 period of continuous alcohol monitoring or verifiable breath alcohol testing
99 performed a minimum of four times per day.

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.

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

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

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

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

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

50 (1) On the first of every month, the director of revenue or the director's
51 designee shall determine the balance of the funds in the crime victims'

52 compensation fund available to satisfy the amount of compensation payable
53 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

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

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

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

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

86 10. The department of revenue shall maintain records of funds
87 transmitted to the crime victims' compensation fund by each reporting court and

88 collections pursuant to subsection 16 of this section and shall maintain separate
89 records of collection for alcohol-related offenses.

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

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

113 13. When judgment is entered against a defendant as provided in this
114 section and such sum, or any part thereof, remains unpaid, there shall be
115 withheld from any disbursement, payment, benefit, compensation, salary, or other
116 transfer of money from the state of Missouri to such defendant an amount equal
117 to the unpaid amount of such judgment. Such amount shall be paid forthwith to
118 the crime victims' compensation fund and satisfaction of such judgment shall be
119 entered on the court record. Under no circumstances shall the general revenue
120 fund be used to reimburse court costs or pay for such judgment. The director of
121 the department of corrections shall have the authority to pay into the crime
122 victims' compensation fund from an offender's compensation or account the
123 amount owed by the offender to the crime victims' compensation fund, provided

124 that the offender has failed to pay the amount owed to the fund prior to entering
125 a correctional facility of the department of corrections.

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

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

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

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Bill

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