

# SENATE BILL NO. 1524

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

6456S.011

KRISTINA MARTIN, Secretary

## 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 state funds to the state general revenue fund, with penalty provisions.

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

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2 701.377, RSMo, are repealed and four new sections enacted in  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

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

595.045. 1. There is established in the state  
2 treasury the "Crime Victims' Compensation Fund". A  
3 surcharge of seven dollars and fifty cents shall be assessed

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

4 as costs in each court proceeding filed in any court in the  
5 state in all criminal cases including violations of any  
6 county ordinance or any violation of criminal or traffic  
7 laws of the state, including an infraction and violation of  
8 a municipal ordinance; except that no such fee shall be  
9 collected in any proceeding in any court when the proceeding  
10 or the defendant has been dismissed by the court or when  
11 costs are to be paid by the state, county, or municipality.  
12 A surcharge of seven dollars and fifty cents shall be  
13 assessed as costs in a juvenile court proceeding in which a  
14 child is found by the court to come within the applicable  
15 provisions of subdivision (3) of subsection 1 of section  
16 211.031.

17 2. Notwithstanding any other provision of law to the  
18 contrary, the moneys collected by clerks of the courts  
19 pursuant to the provisions of subsection 1 of this section  
20 shall be collected and disbursed in accordance with sections  
21 488.010 to 488.020 and shall be payable to the director of  
22 the department of revenue.

23 3. The director of revenue shall deposit annually the  
24 amount of two hundred fifty thousand dollars to the state  
25 forensic laboratory account administered by the department  
26 of public safety to provide financial assistance to defray  
27 expenses of crime laboratories if such analytical  
28 laboratories are registered with the federal Drug  
29 Enforcement Agency or the Missouri department of health and  
30 senior services. Subject to appropriations made therefor,  
31 such funds shall be distributed by the department of public  
32 safety to the crime laboratories serving the courts of this  
33 state making analysis of a controlled substance or analysis  
34 of blood, breath or urine in relation to a court  
35 proceeding. **Notwithstanding the provisions of section**

36 **33.080 to the contrary, moneys in the fund at the end of any**  
37 **biennium shall not be transferred to the credit of the**  
38 **general revenue fund.**

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

48 (1) On the first of every month, the director of  
49 revenue or the director's designee shall determine the  
50 balance of the funds in the crime victims' compensation fund  
51 available to satisfy the amount of compensation payable  
52 pursuant to sections 595.010 to 595.075, excluding sections  
53 595.050 and 595.055;

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

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

65 6. The moneys collected by clerks of municipal courts  
66 pursuant to subsection 1 of this section shall be collected  
67 and disbursed as provided by sections 488.010 to 488.020.

68 Five percent of such moneys shall be payable to the city  
69 treasury of the city from which such funds were collected.  
70 The remaining ninety-five percent of such moneys shall be  
71 payable to the director of revenue. The funds received by  
72 the director of revenue pursuant to this subsection shall be  
73 distributed as follows:

74 (1) On the first of every month, the director of  
75 revenue or the director's designee shall determine the  
76 balance of the funds in the crime victims' compensation fund  
77 available to satisfy the amount of compensation payable  
78 pursuant to sections 595.010 to 595.075, excluding sections  
79 595.050 and 595.055;

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

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

90 8. In addition to the moneys collected pursuant to  
91 subsection 1 of this section, the court shall enter a  
92 judgment in favor of the state of Missouri, payable to the  
93 crime victims' compensation fund, of sixty-eight dollars  
94 upon a plea of guilty or a finding of guilt for a class A or  
95 B felony; forty-six dollars upon a plea of guilty or finding  
96 of guilt for a class C, D, or E felony; and ten dollars upon  
97 a plea of guilty or a finding of guilt for any misdemeanor  
98 under Missouri law except for those in chapter 252 relating  
99 to fish and game, chapter 302 relating to drivers' and

100 commercial drivers' license, chapter 303 relating to motor  
101 vehicle financial responsibility, chapter 304 relating to  
102 traffic regulations, chapter 306 relating to watercraft  
103 regulation and licensing, and chapter 307 relating to  
104 vehicle equipment regulations. Any clerk of the court  
105 receiving moneys pursuant to such judgments shall collect  
106 and disburse such crime victims' compensation judgments in  
107 the manner provided by sections 488.010 to 488.020. Such  
108 funds shall be payable to the state treasury and deposited  
109 to the credit of the crime victims' compensation fund.

110 9. The clerk of the court processing such funds shall  
111 maintain records of all dispositions described in subsection  
112 1 of this section and all dispositions where a judgment has  
113 been entered against a defendant in favor of the state of  
114 Missouri in accordance with this section; all payments made  
115 on judgments for alcohol-related traffic offenses; and any  
116 judgment or portion of a judgment entered but not  
117 collected. These records shall be subject to audit by the  
118 state auditor. The clerk of each court transmitting such  
119 funds shall report separately the amount of dollars  
120 collected on judgments entered for alcohol-related traffic  
121 offenses from other crime victims' compensation collections  
122 or services to victims collections.

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

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

132           12. All awards made to injured victims under sections  
133 595.010 to 595.105 and all appropriations for administration  
134 of sections 595.010 to 595.105, except sections 595.050 and  
135 595.055, shall be made from the crime victims' compensation  
136 fund. Any unexpended balance remaining in the crime  
137 victims' compensation fund at the end of each biennium shall  
138 not be subject to the provision of section 33.080 requiring  
139 the transfer of such unexpended balance to the ordinary  
140 revenue fund of the state, but shall remain in the crime  
141 victims' compensation fund. In the event that there are  
142 insufficient funds in the crime victims' compensation fund  
143 to pay all claims in full, all claims shall be paid on a pro  
144 rata basis. If there are no funds in the crime victims'  
145 compensation fund, then no claim shall be paid until funds  
146 have again accumulated in the crime victims' compensation  
147 fund. When sufficient funds become available from the fund,  
148 awards which have not been paid shall be paid in  
149 chronological order with the oldest paid first. In the  
150 event an award was to be paid in installments and some  
151 remaining installments have not been paid due to a lack of  
152 funds, then when funds do become available that award shall  
153 be paid in full. All such awards on which installments  
154 remain due shall be paid in full in chronological order  
155 before any other postdated award shall be paid. Any award  
156 pursuant to this subsection is specifically not a claim  
157 against the state, if it cannot be paid due to a lack of  
158 funds in the crime victims' compensation fund.

159           13. When judgment is entered against a defendant as  
160 provided in this section and such sum, or any part thereof,  
161 remains unpaid, there shall be withheld from any  
162 disbursement, payment, benefit, compensation, salary, or  
163 other transfer of money from the state of Missouri to such

164 defendant an amount equal to the unpaid amount of such  
165 judgment. Such amount shall be paid forthwith to the crime  
166 victims' compensation fund and satisfaction of such judgment  
167 shall be entered on the court record. Under no  
168 circumstances shall the general revenue fund be used to  
169 reimburse court costs or pay for such judgment. The  
170 director of the department of corrections shall have the  
171 authority to pay into the crime victims' compensation fund  
172 from an offender's compensation or account the amount owed  
173 by the offender to the crime victims' compensation fund,  
174 provided that the offender has failed to pay the amount owed  
175 to the fund prior to entering a correctional facility of the  
176 department of corrections.

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

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

184       16. The department may receive gifts and contributions  
185 for the benefit of crime victims. Such gifts and  
186 contributions shall be credited to the crime victims'  
187 compensation fund as used solely for compensating victims  
188 under the provisions of sections 595.010 to 595.075.

650.277. 1. As otherwise provided by sections 650.200  
2 to 650.295, the boiler and pressure vessel board shall set  
3 fees for inspection, permits, licenses, and certificates  
4 required by sections 650.200 to 650.295. Fees shall be  
5 determined by the board to provide sufficient funds for the  
6 operation of the board and shall be set by rule or  
7 regulation promulgated in accordance with the provisions of

8 section 536.021. The board may alter the fee schedule once  
9 every two years. Any funds collected pursuant to sections  
10 650.200 to 650.295 shall be deposited in the "Boiler and  
11 Pressure Vessels Safety Fund", which is hereby created.  
12 Beginning July 1, 2003, moneys in the fund shall be  
13 appropriated from the fund for the expenses of the board. A  
14 municipality or other political subdivision enforcing the  
15 provisions of sections 650.200 to 650.295 and which performs  
16 the inspections, permitting, licensing, and certification as  
17 required, the fee for such inspection shall be paid directly  
18 to the municipality or political subdivision and shall not  
19 be preempted by sections 650.200 to 650.295, except that any  
20 fee established by the board for the issuance of appropriate  
21 state certificates shall be paid to the board.

22 **Notwithstanding the provisions of section 33.080 to the**  
23 **contrary, moneys in the boiler and pressure vessels safety**  
24 **fund at the end of any biennium shall not be transferred to**  
25 **the credit of the general revenue fund.**

26 2. Any rule or portion of a rule, as that term is  
27 defined in section 536.010, that is created under the  
28 authority delegated in this section or under the authority  
29 of sections 650.210 to 650.275 shall become effective only  
30 if it complies with and is subject to all of the provisions  
31 of chapter 536 and, if applicable, section 536.028. This  
32 section and chapter 536 are nonseverable and if any of the  
33 powers vested with the general assembly pursuant to chapter  
34 536 to review, to delay the effective date or to disapprove  
35 and annul a rule are subsequently held unconstitutional,  
36 then the grant of rulemaking authority and any rule proposed  
37 or adopted after August 28, 2002, shall be invalid and void.

701.377. As otherwise provided by sections 701.350 to  
2 701.380, the elevator safety board shall set fees for

3 inspection, **administration**, permits, licenses, certificates,  
4 and plan review required by the provisions of sections  
5 701.350 to 701.380. Fees shall be determined by the elevator  
6 safety board to provide sufficient funds for the operation  
7 of the board, except that no fee for the certificate shall  
8 exceed twenty-five dollars. The elevator safety board may  
9 alter the fee schedule once each year. Any funds collected  
10 pursuant to sections 701.350 to 701.380 and sections 316.200  
11 to 316.237 shall be deposited in the "Elevator Safety Fund"  
12 which is hereby created. Moneys shall be appropriated from  
13 the fund for the expense and functions of the elevator  
14 safety and amusement ride safety boards. [Any unexpended  
15 funds in the elevator safety fund at the close of the  
16 biennium shall revert to the general revenue as required by  
17 section 33.080.] **Notwithstanding the provisions of section**  
18 **33.080 to the contrary, moneys in the elevator safety fund**  
19 **at the end of any biennium shall not be transferred to the**  
20 **credit of the general revenue fund.** A municipality or other  
21 political subdivision enforcing the provisions of sections  
22 701.350 to 701.380 under the provisions of subsection 2 of  
23 section 701.365 and which performs the plan review,  
24 permitting, inspections, and certifications as required, the  
25 fee for that inspection shall be paid directly to the  
26 municipality or political subdivision and shall not be  
27 preempted by sections 701.350 to 701.380, except that any  
28 fee established by the elevator safety board for the  
29 issuance of appropriate state certificates shall be paid to  
30 the elevator safety board.

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