

SENATE BILL NO. 980

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

5680S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 537.675, 537.684, 595.010, 595.040, and 595.045, RSMo, and to enact in lieu thereof five new sections relating to state funds compensating certain injured persons.

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

Section A. Sections 537.675, 537.684, 595.010, 595.040,
2 and 595.045, RSMo, are repealed and five new sections enacted
3 in lieu thereof, to be known as sections 537.675, 537.684,
4 595.010, 595.040, and 595.045, to read as follows:

537.675. 1. As used in sections 537.675 through
2 537.693, the following terms mean:

3 (1) "Annual claims", that period of time commencing on
4 the first day of January of every year after December 31,
5 2002, and ending on the last day of that calendar year;

6 (2) "Commission", the labor and industrial relations
7 commission;

8 (3) "Division", the division of workers' compensation;

9 (4) "Punitive damage final judgment", an award for
10 punitive damages excluding interest that is no longer
11 subject to review by courts of this state or of the United
12 States;

13 (5) "Uncompensated tort victim", a person who:

14 (a) Is a party in a personal injury or wrongful death
15 lawsuit; or is a tort victim whose claim against the tort-
16 feator has been settled for the policy limits of insurance

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

17 covering the liability of such tort-feasor and such policy
18 limits are inadequate in light of the nature and extent of
19 damages due to the personal injury or wrongful death;

20 (b) Unless described in paragraph (a) of this
21 subdivision:

22 a. Has obtained a final monetary judgment in that
23 lawsuit described in paragraph (a) of this subdivision
24 against a tort-feasor for personal injuries, or wrongful
25 death in a case in which all appeals are final;

26 b. Has exercised due diligence in enforcing the
27 judgment; and

28 c. Has not collected the full amount of the judgment;

29 (c) Is not a corporation, company, partnership or
30 other incorporated or unincorporated commercial entity;

31 (d) Is not any entity claiming a right of subrogation;

32 (e) Was not on house arrest and was not confined in
33 any federal, state, regional, county or municipal jail,
34 prison or other correctional facility at the time he or she
35 sustained injury from the tort-feasor;

36 (f) Has not pleaded guilty to or been found guilty of
37 two or more felonies, where such two or more felonies
38 occurred within ten years of the occurrence of the tort in
39 question, and where either of such felonies involved a
40 controlled substance or an act of violence; [and]

41 (g) Is a resident of the state of Missouri or
42 sustained personal injury or death by a tort which occurred
43 in the state of Missouri; and

44 (h) Is a citizen of the United States, or is a lawful
45 permanent resident, or lawfully holds a valid visa issued by
46 the United States Department of State at the time of the
47 claim for dispensation.

48 2. There is created the "Tort Victims' Compensation
49 Fund". Unexpended moneys in the fund shall not lapse at the
50 end of the biennium as provided in section 33.080.

51 3. Any party receiving a judgment final for purposes
52 of appeal for punitive damages in any case filed in any
53 division of any circuit court of the state of Missouri shall
54 notify the attorney general of the state of Missouri of such
55 award, except for actions claiming improper health care
56 pursuant to chapter 538. The state of Missouri shall have a
57 lien for deposit into the tort victims' compensation fund to
58 the extent of fifty percent of the punitive damage final
59 judgment which shall attach in any such case after deducting
60 attorney's fees and expenses. In each case, the attorney
61 general shall serve a lien notice by certified mail or
62 registered mail upon the party or parties against whom the
63 state has a claim for collection of its share of a punitive
64 damage final judgment. On a petition filed by the state,
65 the court, on written notice to all interested parties,
66 shall adjudicate the rights of the parties and enforce the
67 lien. The lien shall not be satisfied out of any recovery
68 until the attorney's claim for fees and expenses is paid.
69 The state can file its lien in all cases where punitive
70 damages are awarded upon the entry of the judgment final for
71 purposes of appeal. The state cannot enforce its lien until
72 there is a punitive damage final judgment. Cases resolved
73 by arbitration, mediation or compromise settlement prior to
74 a punitive damage final judgment are exempt from the
75 provisions of this section. Nothing in this section shall
76 hinder or in any way affect the right or ability of the
77 parties to any claim or lawsuit to compromise or settle such
78 claim or litigation on any terms and at any time the parties
79 desire.

80 4. The state of Missouri shall have no interest in or
81 right to intervene at any stage of any judicial proceeding
82 pursuant to this section, except to enforce its lien rights
83 as provided in subsection 3 of this section.

84 5. Twenty-six percent of all payments deposited into
85 the tort victims' compensation fund and all interest
86 accruing on the principal regardless of source or
87 designation shall be transferred to the basic civil legal
88 services fund established in section 477.650. Moneys in the
89 tort victims' compensation fund shall not be used to pay any
90 portion of a refund mandated by Article X, Section 18 of the
91 Constitution.

92 **6. The department of labor and industrial relations**
93 **shall verify compliance with the eligibility requirements of**
94 **any claimant under this section prior to authorizing payment**
95 **from the tort victims' compensation fund, and shall deny any**
96 **claim that fails to meet such requirements.**

 537.684. 1. A claim for compensation may be filed by
2 a person eligible for compensation or, if the person is an
3 incapacitated or disabled person, or a minor, by the
4 person's spouse, parent, conservator or guardian.

5 2. A claim shall be filed not later than two years
6 after the judgment upon which it is based becomes final and
7 all appeals are final. If there is no judgment, claims must
8 be filed within time limits prescribed pursuant to section
9 516.120, except for cases resulting in death, in which case
10 claims must be filed within time limits prescribed pursuant
11 to section 537.100.

12 3. Each claim shall be filed in person or by mail.
13 The division shall investigate such claim prior to the
14 opening of formal proceedings. The director of the division
15 shall assign an administrative law judge, associate

16 administrative law judge or legal advisor within the
17 division to hear any claim for compensation filed. The
18 claimant shall be notified of the date and time of any
19 hearing on the claim. In determining the amount of
20 compensation for which a claimant is eligible, the division
21 shall:

22 (1) Consider the facts stated on the application filed
23 pursuant to section 537.678;

24 (2) Obtain a copy of the final judgment, if any, from
25 the appropriate court;

26 (3) Determine the amount of the loss to the claimant,
27 or the victim's survivors or dependents; and

28 (4) If there is no final judgment, determine the
29 degree or extent to which the victim's acts or conduct
30 provoked, incited or contributed to the injuries or death of
31 the victim.

32 4. The claimant may present evidence and testimony on
33 his or her own behalf or may retain counsel. **The**
34 **administrative law judge may, as part of any award entered**
35 **under sections 537.675 to 537.693, determine and allow**
36 **reasonable attorney's fees, which shall not exceed fifteen**
37 **percent of the amount awarded as compensation under sections**
38 **537.675 to 537.693, which fee shall be paid out of, but not**
39 **in addition to, the amount of compensation, to the attorney**
40 **representing the claimant. No attorney for a claimant shall**
41 **ask for, contract for, or receive any larger sum than the**
42 **amount so allowed.**

43 5. Prior to any hearing, the person filing a claim
44 shall submit reports, if available, from all hospitals,
45 physicians or surgeons who treated or examined the victim
46 for the injury for which compensation is sought. If, in the
47 opinion of the division, an examination of the injured

48 victim or a report on the cause of death of the victim would
49 be of material aid, the division may appoint a duly
50 qualified, impartial physician to make an examination and
51 report. A finding of the judge or jury in the underlying
52 case shall be considered as evidence.

53 6. Each and every payment shall be exempt from
54 attachment, garnishment or any other remedy available to
55 creditors for the collection of a debt, provided however,
56 this section shall not in any way affect the right of any
57 attorney who represents or represented any claimant to
58 collect any fee or expenses to which he or she is entitled,
59 **provided that attorney's fees awarded from the filing and**
60 **adjudication of the claim are determined to be just and**
61 **reasonable by the hearing officer and are not to exceed**
62 **fifteen percent of the applicant's payment from the tort**
63 **victims' compensation fund.**

64 7. Payments of compensation shall not be made directly
65 to any person legally incompetent to receive them but shall
66 be made to the parent, guardian or conservator for the
67 benefit of such minor, disabled or incapacitated person.

68 8. For payment of all claims from the fund, the
69 division shall determine the aggregate amount of all awards
70 made on those claims filed during an annual claims period.
71 Such determination shall be made on or before the thirtieth
72 day of June in the next succeeding year. If the aggregate
73 value of the awards does not exceed the total amount of
74 money in the fund, then the awards shall be paid in full on
75 or before the thirtieth day of September in the next
76 succeeding year. If the aggregate value of the awards does
77 exceed the total amount of money in the fund, then the
78 awards shall be paid on a pro rata basis on or before the
79 thirtieth day of September in the next succeeding year.

80 9. If there are no funds available, then no claim
81 shall be paid until funds have accumulated in the tort
82 victims' compensation fund and have been appropriated to the
83 division for payment to uncompensated tort victims. When
84 sufficient funds become available for payment of claims of
85 uncompensated tort victims, awards that have been determined
86 but have not been paid shall be paid in chronological order
87 with the oldest paid first, based upon the date on which the
88 application was filed with the division. Any award pursuant
89 to this subsection that cannot be paid due to a lack of
90 funds appropriated for payment of claims of uncompensated
91 tort victims shall not constitute a claim against the state.

92 10. In the event there are no funds available for
93 payment of claims, then the division may suspend all action
94 related to valuing claims and granting awards until such
95 time as funds in excess of one hundred thousand dollars have
96 accumulated in the tort victims' compensation fund, at which
97 time the division shall resume its claim processing duties.

 595.010. 1. As used in sections 595.010 to 595.075,
2 unless the context requires otherwise, the following terms
3 shall mean:

4 (1) "Child", a dependent, unmarried person who is
5 under eighteen years of age and includes a posthumous child,
6 stepchild, or an adopted child;

7 (2) "Claimant", a victim or a dependent, relative,
8 survivor, or member of the family, of a victim eligible for
9 compensation pursuant to sections 595.010 to 595.075;

10 (3) "Conservator", a person or corporation appointed
11 by a court to have the care and custody of the estate of a
12 minor or a disabled person, including a limited conservator;

13 (4) "Counseling", problem-solving and support
14 concerning emotional issues that result from criminal

15 victimization licensed pursuant to section 595.030.

16 Counseling is a confidential service provided either on an
17 individual basis or in a group. Counseling has as a primary
18 purpose to enhance, protect and restore a person's sense of
19 well-being and social functioning after victimization.

20 Counseling does not include victim advocacy services such as
21 crisis telephone counseling, attendance at medical
22 procedures, law enforcement interviews or criminal justice
23 proceedings;

24 (5) "Crime", an act committed in this state which,
25 regardless of whether it is adjudicated, involves the
26 application of force or violence or the threat of force or
27 violence by the offender upon the victim but shall include
28 the crime of driving while intoxicated, vehicular
29 manslaughter and hit and run; and provided, further, that no
30 act involving the operation of a motor vehicle except
31 driving while intoxicated, vehicular manslaughter and hit
32 and run which results in injury to another shall constitute
33 a crime for the purpose of sections 595.010 to 595.075,
34 unless such injury was intentionally inflicted through the
35 use of a motor vehicle. A crime shall also include an act
36 of terrorism, as defined in 18 U.S.C. Section 2331, which
37 has been committed outside of the United States against a
38 resident of Missouri;

39 (6) "Crisis intervention counseling", helping to
40 reduce psychological trauma where victimization occurs;

41 (7) "Department", the department of public safety;

42 (8) "Dependent", mother, father, spouse, spouse's
43 mother, spouse's father, child, grandchild, adopted child,
44 illegitimate child, niece or nephew, who is wholly or
45 partially dependent for support upon, and living with, but
46 shall include children entitled to child support but not

47 living with, the victim at the time of his injury or death
48 due to a crime alleged in a claim pursuant to sections
49 595.010 to 595.075;

50 (9) "Direct service", providing physical services to a
51 victim of crime including, but not limited to,
52 transportation, funeral arrangements, child care, emergency
53 food, clothing, shelter, notification and information;

54 (10) "Director", the director of public safety of this
55 state or a person designated by him for the purposes of
56 sections 595.010 to 595.075;

57 (11) "Disabled person", one who is unable by reason of
58 any physical or mental condition to receive and evaluate
59 information or to communicate decisions to such an extent
60 that the person lacks ability to manage his financial
61 resources, including a partially disabled person who lacks
62 the ability, in part, to manage his financial resources;

63 (12) ["Emergency service", those services provided to
64 alleviate the immediate effects of the criminal act or
65 offense, and may include cash grants of not more than one
66 hundred dollars;

67 (13)] "Earnings", net income or net wages;

68 (13) "Eligible injured victim", a person who, at the
69 time of application for compensation from the crime victims'
70 compensation fund, is:

71 (a) A citizen of the United States, a lawful permanent
72 resident, or a person lawfully present in the United States
73 under a valid visa issued by the United States Department of
74 State; and

75 (b) Killed or suffers personal physical injury in this
76 state as a result of:

77 a. The commission or attempted commission of any crime
78 by another person;

79 b. A good-faith attempt to assist a person against
80 whom a crime is being committed or attempted; or

81 c. Assisting a law enforcement officer in the
82 apprehension of a person the officer has reason to believe
83 has committed or attempted to commit a crime;

84 (14) "Emergency service", those services provided to
85 alleviate the immediate effects of the criminal act or
86 offense, and may include cash grants of not more than one
87 hundred dollars;

88 [(14)] (15) "Family", the spouse, parent, grandparent,
89 stepmother, stepfather, child, grandchild, brother, sister,
90 half brother, half sister, adopted children of parent, or
91 spouse's parents;

92 [(15)] (16) "Funeral expenses", the expenses of the
93 funeral, burial, cremation or other chosen method of
94 interment, including plot or tomb and other necessary
95 incidents to the disposition of the remains;

96 [(16)] (17) "Gainful employment", engaging on a
97 regular and continuous basis, up to the date of the incident
98 upon which the claim is based, in a lawful activity from
99 which a person derives a livelihood;

100 [(17)] (18) "Guardian", one appointed by a court to
101 have the care and custody of the person of a minor or of an
102 incapacitated person, including a limited guardian;

103 [(18)] (19) "Hit and run", the crime of leaving the
104 scene of a motor vehicle accident as defined in section
105 577.060;

106 [(19)] (20) "Incapacitated person", one who is unable
107 by reason of any physical or mental condition to receive and
108 evaluate information or to communicate decisions to such an
109 extent that he lacks capacity to meet essential requirements
110 for food, clothing, shelter, safety or other care such that

serious physical injury, illness, or disease is likely to occur, including a partially incapacitated person who lacks the capacity to meet, in part, such essential requirements;

[(20)] (21) "Injured victim", a person:

(a) Killed or receiving a personal physical injury in this state as a result of another person's commission of or attempt to commit any crime;

(b) Killed or receiving a personal physical injury in this state while in a good faith attempt to assist a person against whom a crime is being perpetrated or attempted;

(c) Killed or receiving a personal physical injury in this state while assisting a law enforcement officer in the apprehension of a person who the officer has reason to believe has perpetrated or attempted a crime;

[(21)] (22) "Law enforcement official", a sheriff and his regular deputies, municipal police officer or member of the Missouri state highway patrol and such other persons as may be designated by law as peace officers;

[(22)] (23) "Offender", a person who commits a crime;

[(23)] (24) "Personal injury", physical, emotional, or mental harm or trauma resulting from the crime upon which the claim is based;

[(24)] (25) "Private agency", a not-for-profit corporation, in good standing in this state, which provides services to victims of crime and their dependents;

[(25)] (26) "Public agency", a part of any local or state government organization which provides services to victims of crime;

[(26)] (27) "Relative", the spouse of the victim or a person related to the victim within the third degree of consanguinity or affinity as calculated according to civil law;

143 [(27)] (28) "Survivor", the spouse, parent, legal
144 guardian, grandparent, sibling or child of the deceased
145 victim of the victim's household at the time of the crime;

146 [(28)] (29) "Victim", a person who suffers personal
147 injury or death as a direct result of a crime, as defined in
148 subdivision (5) of this subsection;

149 [(29)] (30) "Victim advocacy", assisting the victim of
150 a crime and his dependents to acquire services from existing
151 community resources.

152 2. As used in sections 595.010 to 595.075, the term
153 "alcohol-related traffic offense" means those offenses
154 defined by sections 577.001, 577.010, and 577.012, and any
155 county or municipal ordinance which prohibits operation of a
156 motor vehicle while under the influence of alcohol.

 595.040. 1. Acceptance of any compensation under
2 sections 595.010 to 595.075 shall subrogate this state, to
3 the extent of such compensation paid, to any right or right
4 of action accruing to the claimant or to the victim to
5 recover payments on account of losses resulting from the
6 crime with respect to which the compensation has been paid.
7 The attorney general may enforce the subrogation, and he
8 shall bring suit to recover from any person to whom
9 compensation is paid, to the extent of the compensation
10 actually paid under sections 595.010 to 595.075, any amount
11 received by the claimant from any source exceeding the
12 actual loss to the victim.

13 2. The department shall have a lien on any
14 compensation received by the claimant, in addition to
15 compensation received under provisions of sections 595.010
16 to 595.075, for injuries or death resulting from the
17 incident upon which the claim is based. The claimant shall
18 retain, as trustee for the department, so much of the

19 recovered funds as necessary to reimburse the Missouri crime
20 victims' compensation fund to the extent that compensation
21 was awarded to the claimant from that fund.

22 3. If a claimant initiates any legal proceeding to
23 recover restitution or damages related to the crime upon
24 which the claim is based, or if the claimant enters into
25 negotiations to receive any proceeds in settlement of a
26 claim for restitution or damages related to the crime, the
27 claimant shall give the department written notice within
28 fifteen days of the filing of the action or entering into
29 negotiations. The department may intervene in the
30 proceeding of a complainant to recover the compensation
31 awarded. If a claimant fails to give such written notice to
32 the department within the stated time period, or prior to
33 any attempt by claimant to reach a negotiated settlement of
34 claims for recovery of damages related to the crime upon
35 which the claim is based, the department's right of
36 subrogation to receive or recover funds from claimant, to
37 the extent that compensation was awarded by the department,
38 shall not be reduced in any amount or percentage by the
39 costs incurred by claimant attributable to such legal
40 proceedings or settlement, including, but not limited to,
41 attorney's fees, investigative cost or cost of court. If
42 such notice is given, [attorney] **attorney's** fees may be
43 awarded in an amount not to exceed [fifteen] **ten** percent of
44 the amount subrogated to the department.

45 4. Whenever compensation is awarded to a claimant who
46 is entitled to restitution from a criminal defendant, the
47 department may initiate restitution hearings in such
48 criminal proceedings or intervene in the same. The
49 department shall be entitled to receive restitution in such
50 proceedings to the extent compensation was awarded;

51 provided, however, the department shall be exempt from the
52 payment of any fees or other charges for the recording of
53 restitution orders in the offices of the judges of probate.
54 The claimant shall notify this department when restitution
55 is ordered. Failure to notify the department will result in
56 possible forfeiture of any amount already received from the
57 department.

58 5. Whenever the department shall deem it necessary to
59 protect, maintain or enforce the department's right to
60 subrogation or to exercise any of its powers or to carry out
61 any of its duties or responsibilities, the attorney general
62 may initiate legal proceedings or intervene in legal
63 proceedings as the department's legal representative.

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
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 proceeding.

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

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

50 (2) [Beginning on September 1, 2004, and] On the first
51 of each month, the director of revenue or the director's

52 designee shall deposit fifty percent of the balance of funds
53 available to the credit of the crime victims' compensation
54 fund and fifty percent to the services to victims' fund
55 established in section 595.100.

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

61 6. The moneys collected by clerks of municipal courts
62 pursuant to subsection 1 of this section shall be collected
63 and disbursed as provided by sections 488.010 to 488.020.
64 Five percent of such moneys shall be payable to the city
65 treasury of the city from which such funds were collected.
66 The remaining ninety-five percent of such moneys shall be
67 payable to the director of revenue. The funds received by
68 the director of revenue pursuant to this subsection shall be
69 distributed as follows:

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

76 (2) [Beginning on September 1, 2004, and] On the first
77 of each month the director of revenue or the director's
78 designee shall deposit fifty percent of the balance of funds
79 available to the credit of the crime victims' compensation
80 fund and fifty percent to the services to victims' fund
81 established in section 595.100.

82 7. These funds shall be subject to a biennial audit by
83 the Missouri state auditor. Such audit shall include all

84 records associated with crime victims' compensation funds
85 collected, held or disbursed by any state agency.

86 8. In addition to the moneys collected pursuant to
87 subsection 1 of this section, the court shall enter a
88 judgment in favor of the state of Missouri, payable to the
89 crime victims' compensation fund, of sixty-eight dollars
90 upon a plea of guilty or a finding of guilt for a class A or
91 B felony; forty-six dollars upon a plea of guilty or finding
92 of guilt for a class C, D, or E felony; and ten dollars upon
93 a plea of guilty or a finding of guilt for any misdemeanor
94 under Missouri law except for those in chapter 252 relating
95 to fish and game, chapter 302 relating to drivers' and
96 commercial drivers' license, chapter 303 relating to motor
97 vehicle financial responsibility, chapter 304 relating to
98 traffic regulations, chapter 306 relating to watercraft
99 regulation and licensing, and chapter 307 relating to
100 vehicle equipment regulations. Any clerk of the court
101 receiving moneys pursuant to such judgments shall collect
102 and disburse such crime victims' compensation judgments in
103 the manner provided by sections 488.010 to 488.020. Such
104 funds shall be payable to the state treasury and deposited
105 to the credit of the crime victims' compensation fund.

106 9. The clerk of the court processing such funds shall
107 maintain records of all dispositions described in subsection
108 1 of this section and all dispositions where a judgment has
109 been entered against a defendant in favor of the state of
110 Missouri in accordance with this section; all payments made
111 on judgments for alcohol-related traffic offenses; and any
112 judgment or portion of a judgment entered but not
113 collected. These records shall be subject to audit by the
114 state auditor. The clerk of each court transmitting such
115 funds shall report separately the amount of dollars

collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

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

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

12. All awards made to **eligible** injured victims under sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080 requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been

148 paid due to a lack of funds, then when funds do become
149 available that award shall be paid in full. All such awards
150 on which installments remain due shall be paid in full in
151 chronological order before any other postdated award shall
152 be paid. Any award pursuant to this subsection is
153 specifically not a claim against the state, if it cannot be
154 paid due to a lack of funds in the crime victims'
155 compensation fund.

156 13. When judgment is entered against a defendant as
157 provided in this section and such sum, or any part thereof,
158 remains unpaid, there shall be withheld from any
159 disbursement, payment, benefit, compensation, salary, or
160 other transfer of money from the state of Missouri to such
161 defendant an amount equal to the unpaid amount of such
162 judgment. Such amount shall be paid forthwith to the crime
163 victims' compensation fund and satisfaction of such judgment
164 shall be entered on the court record. Under no
165 circumstances shall the general revenue fund be used to
166 reimburse court costs or pay for such judgment. The
167 director of the department of corrections shall have the
168 authority to pay into the crime victims' compensation fund
169 from an offender's compensation or account the amount owed
170 by the offender to the crime victims' compensation fund,
171 provided that the offender has failed to pay the amount owed
172 to the fund prior to entering a correctional facility of the
173 department of corrections.

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

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

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

186 **17. The department of public safety shall verify**
187 **compliance with the eligibility requirements of any claimant**
188 **purporting to be an eligible injured victim under this**
189 **section prior to authorizing payment from the crime victims'**
190 **compensation fund, and shall deny any claim that fails to**
191 **meet such requirements.**

✓