

FIRST REGULAR SESSION

HOUSE BILL NO. 1234

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ANDERSON.

2550H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 595.045, RSMo, and to enact in lieu thereof two new sections relating to the compensation of victims.

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

Section A. Section 595.045, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 595.045 and 595.250, to read as follows:

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of ~~seven~~ **seventeen** dollars and fifty cents shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 laboratories are registered with the federal Drug Enforcement Agency or the Missouri department
19 of health and senior services. Subject to appropriations made therefor, such funds shall be
20 distributed by the department of public safety to the crime laboratories serving the courts of this
21 state making analysis of a controlled substance or analysis of blood, breath or urine in relation
22 to a court proceeding.

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

29 (1) On the first of every month, the director of revenue or the director's designee shall
30 determine the balance of the funds in the crime victims' compensation fund available to satisfy
31 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
32 595.050 and 595.055, **and the amount required to be deposited under section 595.250;**

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

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

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

46 (1) On the first of every month, the director of revenue or the director's designee shall
47 determine the balance of the funds in the crime victims' compensation fund available to satisfy
48 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
49 595.050 and 595.055, **and the amount required to be deposited under section 595.250;**

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

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

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

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

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

81 11. The state courts administrator shall include in the annual report required by section
82 476.350 the circuit court caseloads and the number of crime victims' compensation judgments
83 entered.

84 12. All awards made to injured victims under sections 595.010 to 595.105 and all
85 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
86 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
87 remaining in the crime victims' compensation fund at the end of each biennium shall not be
88 subject to the provision of section 33.080 requiring the transfer of such unexpended balance to
89 the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund.

90 In the event that there are insufficient funds in the crime victims' compensation fund to pay all
91 claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime
92 victims' compensation fund, then no claim shall be paid until funds have again accumulated in
93 the crime victims' compensation fund. When sufficient funds become available from the fund,
94 awards which have not been paid shall be paid in chronological order with the oldest paid first.
95 In the event an award was to be paid in installments and some remaining installments have not
96 been paid due to a lack of funds, then when funds do become available that award shall be paid
97 in full. All such awards on which installments remain due shall be paid in full in chronological
98 order before any other postdated award shall be paid. Any award pursuant to this subsection is
99 specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime
100 victims' compensation fund.

101 13. When judgment is entered against a defendant as provided in this section and such
102 sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
103 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to
104 such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be
105 paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall
106 be entered on the court record. Under no circumstances shall the general revenue fund be used
107 to reimburse court costs or pay for such judgment. The director of the department of corrections
108 shall have the authority to pay into the crime victims' compensation fund from an offender's
109 compensation or account the amount owed by the offender to the crime victims' compensation
110 fund, provided that the offender has failed to pay the amount owed to the fund prior to entering
111 a correctional facility of the department of corrections.

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

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

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

**595.250. 1. There is hereby created in the state treasury the "Victims of Domestic
2 Violence Fund", which shall consist of moneys collected under subsection 1 of section
3 595.045. The state treasurer shall be custodian of the fund. In accordance with sections
4 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a
5 dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the
6 administration of this section. Notwithstanding the provisions of section 33.080 to the**

7 **contrary, any moneys remaining in the fund at the end of the biennium shall not revert to**
8 **the credit of the general revenue fund. The state treasurer shall invest moneys in the fund**
9 **in the same manner as other funds are invested. Any interest and moneys earned on such**
10 **investments shall be credited to the fund.**

11 **2. Ten dollars from the surcharge collected under subsection 1 of section 595.045**
12 **shall be deposited into the victims of domestic violence fund established under subsection**
13 **1 of this section for victims of domestic violence.**

14 **3. A victim of domestic violence may be compensated under the fund established**
15 **under subsection 1 of this section or the fund established under section 595.045, but the**
16 **victim shall not receive compensation from both funds if the compensation the victim is**
17 **seeking is based on the same offense.**

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