

FIRST REGULAR SESSION

# HOUSE BILL NO. 472

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SOMMER.

1298H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 304.028, RSMo, and to enact in lieu thereof one new section relating to the brain injury fund.

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

Section A. Section 304.028, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.028, to read as follows:

304.028. 1. There is hereby created in the state treasury for use by the department of health and senior services a fund to be known as the "Brain Injury Fund". All judgments collected pursuant to this section, federal grants, private donations and any other moneys designated for the brain injury fund shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the department of health and senior services, be received and expended by the department for the purpose of transition [and] , integration, **and provision of medical and community-based services in comprehensive brain injury day rehabilitation therapy programs, home and community supports, and social and educational [services or] activities for purposes of outreach and [supports] support** to enable individuals with [traumatic] brain injury and their families to live in the community. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the brain injury fund at the end of any biennium shall not be transferred to the general revenue fund.

2. In all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of this state, **any county, or municipality**, including an infraction, there shall be assessed as costs a surcharge in the amount of two dollars. **Such surcharge shall not be waived, except** no such surcharge shall be collected in any proceeding involving a violation

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.

17 of an ordinance or state law when the proceeding or defendant has been dismissed by the court  
18 or when costs are to be paid by the state, county or municipality.

19 3. Such surcharge shall be collected and distributed by the clerk of the court as provided  
20 in sections 488.010 to 488.020. The surcharge collected pursuant to this section shall be paid  
21 to the state treasury to the credit of the brain injury fund established in this section.

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