

SECOND REGULAR SESSION

# HOUSE BILL NO. 1134

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WALKER (Sponsor), MEREDITH, COLONA, MORGAN, PIERSON, BURNS, MIMS, WALTON GRAY, PIKE, LYNCH, HOSKINS, LAIR, GANNON, KOLKMEYER, HANSEN, ENGLISH, MAYFIELD, CURTIS, MCGAUGH, SPENCER, REDMON, HAMPTON, SHUMAKE, DIEHL, GATSCHENBERGER, SWAN, THOMSON, REMOLE, PHILLIPS, HICKS, MUNTZEL, FRAKER, ANDERSON AND HURST (Co-sponsors).

4704L.03I

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Section A. Section 304.028, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.028, to read as follows: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 of medical, social and educational services or activities for purposes of outreach and supports 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, **or any violation of traffic laws of any county or municipality**, including an infraction, there shall be assessed as costs a surcharge in the amount of [two] **five** dollars. **Such surcharge shall not be waived, except** no such surcharge shall be

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.

15 collected in any proceeding involving a violation of an ordinance or state law when the  
16 proceeding or defendant has been dismissed by the court or when costs are to be paid by the  
17 state, county or municipality.

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

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