

SECOND REGULAR SESSION

HOUSE BILL NO. 1313

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LIPKE (Sponsor), SANDER, MEADOWS, ROORDA, STORCH,
PARSON, YOUNG, BAKER (25), JONES AND SCHAD (Co-sponsors).

Read 1st time January 10, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4298L.01I

AN ACT

To repeal section 595.045, RSMo, and to enact in lieu thereof one new section relating to the crime victims' compensation fund, with penalty provisions.

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

Section A. Section 595.045, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 595.045, to read as follows:

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of seven 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, RSMo.

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, RSMo, and shall be payable to the director of the department of revenue.

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 3. The director of revenue shall deposit annually the amount of two hundred fifty
16 thousand dollars to the state forensic laboratory account administered by the department of public
17 safety to provide financial assistance to defray expenses of crime laboratories if such analytical
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. **An additional three hundred fifty thousand dollars shall be deposited**
23 **annually by the director of revenue into such account for the sole purpose of providing**
24 **financial assistance to regional crime laboratories to defray expenses, provided that such**
25 **laboratories are registered with the federal Drug Enforcement Agency or the Missouri**
26 **department of health and senior services.**

27 4. **In addition to the money deposited under subdivision (2) of subsection 6 of this**
28 **section, three hundred fifty thousand dollars shall be deposited annually by the director**
29 **of revenue into the services to victims' fund established in section 595.100 to be used for**
30 **the sole purpose of providing financial assistance as provided by section 595.105.**

31 5. **In addition to the money deposited under subdivision (2) of subsection 6 of this**
32 **section, three hundred fifty thousand dollars shall be deposited annually by the director**
33 **of revenue into the Missouri sheriff methamphetamine relief taskforce (MoSMART)**
34 **established in section 650.350, RSMo, to be used for the purposes provided for in that**
35 **section.**

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

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

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

50 [5.] 7. The director of revenue or such director's designee shall at least monthly report
51 the moneys paid pursuant to this section into the crime victims' compensation fund and the
52 services to victims fund to the division of workers' compensation and the department of public
53 safety, respectively.

54 [6.] 8. The moneys collected by clerks of municipal courts pursuant to subsection 1 of
55 this section shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo.
56 Five percent of such moneys shall be payable to the city treasury of the city from which such
57 funds were collected. The remaining ninety-five percent of such moneys shall be payable to the
58 director of revenue. The funds received by the director of revenue pursuant to this subsection
59 shall be distributed as follows:

60 (1) On the first of every month, the director of revenue or the director's designee shall
61 determine the balance of the funds in the crime victims' compensation fund available to satisfy
62 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
63 595.050 and 595.055;

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

68 [7.] 9. These funds shall be subject to a biennial audit by the Missouri state auditor.
69 Such audit shall include all records associated with crime victims' compensation funds collected,
70 held or disbursed by any state agency.

71 [8.] 10. In addition to the moneys collected pursuant to subsection 1 of this section, the
72 court shall enter a judgment in favor of the state of Missouri, payable to the crime victims'
73 compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class
74 A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C or D felony;
75 and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under Missouri
76 law except for those in chapter 252, RSMo, relating to fish and game, chapter 302, RSMo,
77 relating to drivers' and commercial drivers' license, chapter 303, RSMo, relating to motor vehicle
78 financial responsibility, chapter 304, RSMo, relating to traffic regulations, chapter 306, RSMo,
79 relating to watercraft regulation and licensing, and chapter 307, RSMo, relating to vehicle
80 equipment regulations. Any clerk of the court receiving moneys pursuant to such judgments
81 shall collect and disburse such crime victims' compensation judgments in the manner provided
82 by sections 488.010 to 488.020, RSMo. Such funds shall be payable to the state treasury and
83 deposited to the credit of the crime victims' compensation fund.

84 [9.] 11. The clerk of the court processing such funds shall maintain records of all
85 dispositions described in subsection 1 of this section and all dispositions where a judgment has

86 been entered against a defendant in favor of the state of Missouri in accordance with this section;
87 all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion
88 of a judgment entered but not collected. These records shall be subject to audit by the state
89 auditor. The clerk of each court transmitting such funds shall report separately the amount of
90 dollars collected on judgments entered for alcohol-related traffic offenses from other crime
91 victims' compensation collections or services to victims collections.

92 [10.] **12.** The department of revenue shall maintain records of funds transmitted to the
93 crime victims' compensation fund by each reporting court and collections pursuant to subsection
94 16 of this section and shall maintain separate records of collection for alcohol-related offenses.

95 [11.] **13.** The state courts administrator shall include in the annual report required by
96 section 476.350, RSMo, the circuit court caseloads and the number of crime victims'
97 compensation judgments entered.

98 [12.] **14.** All awards made to injured victims under sections 595.010 to 595.105 and all
99 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
100 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
101 remaining in the crime victims' compensation fund at the end of each biennium shall not be
102 subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended
103 balance to the ordinary revenue fund of the state, but shall remain in the crime victims'
104 compensation fund. In the event that there are insufficient funds in the crime victims'
105 compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there
106 are no funds in the crime victims' compensation fund, then no claim shall be paid until funds
107 have again accumulated in the crime victims' compensation fund. When sufficient funds become
108 available from the fund, awards which have not been paid shall be paid in chronological order
109 with the oldest paid first. In the event an award was to be paid in installments and some
110 remaining installments have not been paid due to a lack of funds, then when funds do become
111 available that award shall be paid in full. All such awards on which installments remain due
112 shall be paid in full in chronological order before any other postdated award shall be paid. Any
113 award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid
114 due to a lack of funds in the crime victims' compensation fund.

115 [13.] **15.** When judgment is entered against a defendant as provided in this section and
116 such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
117 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to
118 such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be
119 paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall
120 be entered on the court record. Under no circumstances shall the general revenue fund be used
121 to reimburse court costs or pay for such judgment. The director of the department of corrections

122 shall have the authority to pay into the crime victims' compensation fund from an offender's
123 compensation or account the amount owed by the offender to the crime victims' compensation
124 fund, provided that the offender has failed to pay the amount owed to the fund prior to entering
125 a correctional facility of the department of corrections.

126 [14.] **16.** All interest earned as a result of investing funds in the crime victims'
127 compensation fund shall be paid into the crime victims' compensation fund and not into the
128 general revenue of this state.

129 [15.] **17.** Any person who knowingly makes a fraudulent claim or false statement in
130 connection with any claim hereunder is guilty of a class A misdemeanor.

131 [16.] **18.** Any gifts, contributions, grants or federal funds specifically given to the
132 division for the benefit of victims of crime shall be credited to the crime victims' compensation
133 fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal
134 crime victims' compensation laws, rules, regulations or other applicable federal guidelines.

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