

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 371, Section 432.047, Page 32, Line 4, by
2 deleting all of said line and inserting in lieu thereof the following:

3
4 "2. A debtor may not maintain an action upon or a defense, regardless of"; and

5
6 Further amend said bill, Pages 44 - 45, Section 488.5320, Lines 1 - 46, by deleting all of said section
7 and lines and inserting in lieu thereof the following:

8
9 "488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge for their
10 services rendered in criminal cases and in all proceedings for contempt or attachment, as required by
11 law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten
12 dollars for each misdemeanor case, and six dollars for each infraction, [excluding] including cases
13 disposed of by a [traffic] violations bureau established pursuant to law or supreme court rule. Such
14 charges shall be charged and collected in the manner provided by sections 488.010 to 488.020 and
15 shall be payable to the county treasury; except that, those charges from cases disposed of by a
16 violations bureau shall be distributed as follows: one-half of the charges collected shall be
17 forwarded and deposited to the credit of the MODEX fund established in subsection 6 of this section
18 for the operational cost of the Missouri data exchange (MODEX) system, and one-half of the charges
19 collected shall be deposited to the credit of the inmate security fund, established in section 488.5026,
20 of the county or municipal political subdivision from which the citation originated. If the county or
21 municipal political subdivision has not established an inmate security fund, all of the funds shall be
22 deposited in the MODEX fund.

23 2. Notwithstanding subsection 1 of this section to the contrary, sheriffs, county marshals, or
24 other officers in any county with a charter form of government and with more than nine hundred
25 fifty thousand inhabitants or in any city not within a county shall not be allowed a charge for their
26 services rendered in cases disposed of by a violations bureau established pursuant to law or supreme
27 court rule.

28 3. The sheriff receiving any charge pursuant to subsection 1 of this section shall reimburse
29 the sheriff of any other county or the city of St. Louis the sum of three dollars for each pleading,
30 writ, summons, order of court or other document served in connection with the case or proceeding
31 by the sheriff of the other county or city, and return made thereof, to the maximum amount of the
32 total charge received pursuant to subsection 1 of this section.

33 [3.] 4. The charges provided in subsection 1 of this section shall be taxed as other costs in
34 criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in any
35 criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall
36 be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no such charge
37 shall be collected in any proceeding in any court when the proceeding or the defendant has been

Action Taken _____ Date _____

1 dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of
 2 scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case
 3 be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid
 4 by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid
 5 by such witnesses.

6 [4.] 5. Mileage shall be reimbursed to sheriffs, county marshals and guards for all services
 7 rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for allowable
 8 expenses for motor vehicle use expressed as an amount per mile.

9 6. (1) There is hereby created in the state treasury the "MODEX Fund", which shall consist
 10 of money collected under subsection 1 of this section. The fund shall be administered by the Peace
 11 Officers Standards and Training Commission established in section 590.120. The state treasurer
 12 shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer
 13 may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in
 14 the fund shall be used solely for the operational support and expansion of the MODEX system.

15 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
 16 in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

17 (3) The state treasurer shall invest moneys in the fund in the same manner as other funds are
 18 invested. Any interest and moneys earned on such investments shall be credited to the fund."; and
 19

20 Further amend said bill, Page 56, Section 558.026, Line 32, by inserting after all of said section and
 21 line the following:
 22

23 "559.100. 1. The circuit courts of this state shall have power, herein provided, to place on
 24 probation or to parole persons convicted of any offense over which they have jurisdiction, except as
 25 otherwise provided in sections 195.275 to 195.296, section 558.018, section 559.115, section
 26 565.020, sections 566.030, 566.060, 566.067, 566.151, and 566.213, section 571.015, and subsection
 27 3 of section 589.425.

28 2. The circuit court shall have the power to revoke the probation or parole previously granted
 29 under section 559.036 and commit the person to the department of corrections. The circuit court
 30 shall determine any conditions of probation or parole for the defendant that it deems necessary to
 31 ensure the successful completion of the probation or parole term, including the extension of any term
 32 of supervision for any person while on probation or parole. The circuit court may require that the
 33 defendant pay restitution for his crime. The probation or parole may be revoked under section
 34 559.036 for failure to pay restitution or for failure to conform his behavior to the conditions imposed
 35 by the circuit court. The circuit court may, in its discretion, credit any period of probation or parole
 36 as time served on a sentence.

37 3. Restitution, whether court ordered as provided in subsection 2 of this section or agreed to
 38 by the parties, or as enforced under section 558.011, shall be paid through the office of the
 39 prosecuting attorney or circuit attorney. When ordered by the court, interest shall be allowed under
 40 subsection 1 of section 408.040. In addition to all other costs and fees allowed by law, each
 41 prosecuting attorney or circuit attorney who takes any action to collect restitution shall collect an
 42 administrative handling cost from the person paying restitution. The cost shall be twenty-five dollars
 43 for restitution less than one hundred dollars and fifty dollars for restitution of one hundred dollars
 44 but less than two hundred fifty dollars. For restitution of two hundred fifty dollars or more an
 45 additional fee of ten percent of the total restitution shall be assessed, with a maximum fee for
 46 administrative handling costs not to exceed seventy-five dollars total. In addition to the
 47 administrative handling costs, an installment cost shall be assessed in the amount of two dollars per
 48 installment, excepting the first installment, until such total amount of restitution is paid in full.

1 Notwithstanding the provisions of sections 50.525 to 50.745, the costs provided for in this subsection
2 shall be deposited by the county treasurer into a separate interest-bearing fund to be expended by the
3 prosecuting attorney or circuit attorney. This fund shall be known as the "Administrative Handling
4 Cost Fund", and it shall be the fund for deposits under this section and under section 570.120. The
5 funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney
6 directing the treasurer to issue checks thereon, only for purposes related to that authorized by
7 subsection 4 of this section. Notwithstanding the provisions of any other law, in addition to the
8 administrative handling cost, the prosecuting attorney or circuit attorney shall collect an additional
9 cost of five dollars per each crime victim to whom restitution is paid for deposit to the Missouri
10 office of prosecution services fund established in subsection 2 of section 56.765. All moneys
11 collected under this section which are payable to the Missouri office of prosecution services fund
12 shall be transmitted at least monthly by the county treasurer to the director of revenue who shall
13 deposit the amount collected to the credit of the Missouri office of prosecution services fund under
14 the procedure established under subsection 2 of section 56.765. As used in this subsection, "crime
15 victim" means any natural person or his or her survivors or legal guardians, the estate of a deceased
16 person, a for-profit corporation or business entity, a nonprofit corporation or entity, a charitable
17 entity, or any governmental body or a political subdivision thereof.

18 4. The moneys deposited in the fund may be used by the prosecuting attorney or circuit
19 attorney for office supplies, postage, books, training, office equipment, capital outlay, expenses of
20 trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney,
21 employees' salaries, and for other lawful expenses incurred by the prosecuting or circuit attorney in
22 the operation of that office.

23 5. This fund may be audited by the state auditor's office or the appropriate auditing agency.

24 6. If the moneys collected and deposited into this fund are not totally expended annually,
25 then the unexpended balance shall remain in the fund and the balance shall be kept in the fund to
26 accumulate from year to year.

27 7. Nothing in this section shall be construed to prohibit a crime victim from pursuing other
28 lawful remedies against a defendant for restitution.

29 559.105. 1. Any person who has been found guilty of or has pled guilty to [a violation of
30 subdivision (2) of subsection 1 of section 569.080 or paragraph (a) of subdivision (3) of subsection 3
31 of section 570.030] an offense may be ordered by the court to make restitution to the victim for the
32 victim's losses due to such offense. Restitution pursuant to this section shall include, but not be
33 limited to[, the following:

34 (1)] a victim's reasonable expenses to participate in the prosecution of the crime[;

35 (2) A victim's payment for any repairs or replacement of the motor vehicle, watercraft, or
36 aircraft; and

37 (3) A victim's costs associated with towing or storage fees for the motor vehicle caused by
38 the acts of the defendant].

39 2. No person ordered by the court to pay restitution pursuant to this section shall be released
40 from probation until such restitution is complete. If full restitution is not made within the original
41 term of probation, the court shall order the maximum term of probation allowed for such offense.

42 3. Any person eligible to be released on parole [for a violation of subdivision (2) of
43 subsection 1 of section 569.080 or paragraph (a) of subdivision (3) of subsection 3 of section
44 570.030 may] shall be required, as a condition of parole, to make restitution pursuant to this section.
45 The board of probation and parole shall not release any person from any term of parole for such
46 offense until the person has completed such restitution, or until the maximum term of parole for such
47 offense has been served.

48 4. The court may set an amount of restitution to be paid by the defendant. Said amount may

1 be taken from the inmate's account at the department of corrections while the defendant is
 2 incarcerated. Upon conditional release or parole, if any amount of such court-ordered restitution is
 3 unpaid, the payment of the unpaid balance may be collected as a condition of conditional release or
 4 parole by the prosecuting attorney or circuit attorney under section 559.100. The prosecuting
 5 attorney or circuit attorney may refer any failure to make such restitution as a condition of
 6 conditional release or parole to the parole board for enforcement."; and

7
 8 Further amend said bill, Section 566.226, Page 62, Line 18, by inserting after all of said section and
 9 line the following:

10
 11 "570.120. 1. A person commits the crime of passing a bad check when:

12 (1) With purpose to defraud, the person makes, issues or passes a check or other similar sight
 13 order or any other form of presentment involving the transmission of account information for the
 14 payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee; or

15 (2) The person makes, issues, or passes a check or other similar sight order or any other form
 16 of presentment involving the transmission of account information for the payment of money,
 17 knowing that there are insufficient funds in or on deposit with that account for the payment of such
 18 check, sight order, or other form of presentment involving the transmission of account information in
 19 full and all other checks, sight orders, or other forms of presentment involving the transmission of
 20 account information upon such funds then outstanding, or that there is no such account or no drawee
 21 and fails to pay the check or sight order or other form of presentment involving the transmission of
 22 account information within ten days after receiving actual notice in writing that it has not been paid
 23 because of insufficient funds or credit with the drawee or because there is no such drawee.

24 2. As used in subdivision (2) of subsection 1 of this section, "actual notice in writing" means
 25 notice of the nonpayment which is actually received by the defendant. Such notice may include the
 26 service of summons or warrant upon the defendant for the initiation of the prosecution of the check
 27 or checks which are the subject matter of the prosecution if the summons or warrant contains
 28 information of the ten-day period during which the instrument may be paid and that payment of the
 29 instrument within such ten-day period will result in dismissal of the charges. The requirement of
 30 notice shall also be satisfied for written communications which are tendered to the defendant and
 31 which the defendant refuses to accept.

32 3. The face amounts of any bad checks passed pursuant to one course of conduct within any
 33 ten-day period may be aggregated in determining the grade of the offense.

34 4. Passing bad checks is a class A misdemeanor, unless:

35 (1) The face amount of the check or sight order or the aggregated amounts is five hundred
 36 dollars or more; or

37 (2) The issuer had no account with the drawee or if there was no such drawee at the time the
 38 check or order was issued, in which cases passing bad checks is a class C felony.

39 5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney or
 40 circuit attorney who takes any action pursuant to the provisions of this section shall collect from the
 41 issuer in such action an administrative handling cost. The cost shall be twenty-five dollars for
 42 checks of less than one hundred dollars, and fifty dollars for checks of one hundred dollars but less
 43 than two hundred fifty dollars. For checks of two hundred fifty dollars or more an additional fee of
 44 ten percent of the face amount shall be assessed, with a maximum fee for administrative handling
 45 costs not to exceed seventy-five dollars total. Notwithstanding the provisions of sections 50.525 to
 46 50.745, the costs provided for in this subsection shall be deposited by the county treasurer into a
 47 separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. This
 48 fund shall be known as the "Administrative Handling Cost Fund", and it shall be the fund for

1 deposits under this section and under section 559.100. The funds shall be expended, upon warrants
2 issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon,
3 only for purposes related to that previously authorized in this section. Any revenues that are not
4 required for the purposes of this section may be placed in the general revenue fund of the county or
5 city not within a county. Notwithstanding any law to the contrary, in addition to the administrative
6 handling cost, the prosecuting attorney or circuit attorney shall collect an additional cost of five
7 dollars per check for deposit to the Missouri office of prosecution services fund established in
8 subsection 2 of section 56.765. All moneys collected pursuant to this section which are payable to
9 the Missouri office of prosecution services fund shall be transmitted at least monthly by the county
10 treasurer to the director of revenue who shall deposit the amount collected pursuant to the credit of
11 the Missouri office of prosecution services fund under the procedure established pursuant to
12 subsection 2 of section 56.765.

13 (2) The moneys deposited in the fund may be used by the prosecuting or circuit attorney for
14 office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and
15 witness preparation, additional employees for the staff of the prosecuting or circuit attorney,
16 employees' salaries, and for other lawful expenses incurred by the circuit or prosecuting attorney in
17 operation of that office.

18 (3) This fund may be audited by the state auditor's office or the appropriate auditing agency.

19 (4) If the moneys collected and deposited into this fund are not totally expended annually,
20 then the unexpended balance shall remain in said fund and the balance shall be kept in said fund to
21 accumulate from year to year.

22 6. Notwithstanding any other provision of law to the contrary:

23 (1) In addition to the administrative handling costs provided for in subsection 5 of this
24 section, the prosecuting attorney or circuit attorney may collect from the issuer, in addition to the
25 face amount of the check, a reasonable service charge, which along with the face amount of the
26 check, shall be turned over to the party to whom the bad check was issued;

27 (2) If a check that is dishonored or returned unpaid by a financial institution is not referred to
28 the prosecuting attorney or circuit attorney for any action pursuant to the provisions of this section,
29 the party to whom the check was issued, or his or her agent or assignee, or a holder, may collect from
30 the issuer, in addition to the face amount of the check, a reasonable service charge, not to exceed
31 twenty-five dollars, plus an amount equal to the actual charge by the depository institution for the
32 return of each unpaid or dishonored instrument.

33 7. When any financial institution returns a dishonored check to the person who deposited
34 such check, it shall be in substantially the same physical condition as when deposited, or in such
35 condition as to provide the person who deposited the check the information required to identify the
36 person who wrote the check."; and

37
38 Further amend said bill by amending the title, enacting clause, and intersectional references
39 accordingly.