

SECOND REGULAR SESSION

HOUSE BILL NO. 2338

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCMULLEN.

4822H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 211.134, 211.181, 211.241, 488.012, 488.027, 488.031, 488.2253, 488.2300, 488.5026, and 595.045, RSMo, and to enact in lieu thereof ten new sections relating to the elimination of fines and fees in juvenile court.

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

Section A. Sections 211.134, 211.181, 211.241, 488.012, 488.027, 488.031, 2 488.2253, 488.2300, 488.5026, and 595.045, RSMo, are repealed and ten new sections 3 enacted in lieu thereof, to be known as sections 211.134, 211.181, 211.241, 488.012, 488.027, 4 488.031, 488.2253, 488.2300, 488.5026, and 595.045, to read as follows:

211.134. 1. The court may require a parent or guardian of a child to participate in any 2 activity the court finds is necessary to carry out the purposes of the juvenile code as stated in 3 section 211.011, including, but not limited to:

4 (1) Requiring the parent or guardian to attend counseling sessions; and
5 (2) Requiring the parent or guardian to participate in any institutional treatment 6 program, including attendance at the institution where the child resides.

7 2. The court ~~may~~ **shall not** order the parent or guardian to support the child 8 committed for institutionalization by paying the reasonable costs of support, maintenance, 9 and treatment of the child ~~[that the parent is financially able to pay]~~.

211.181. 1. When a child is found by the court to come within the applicable 2 provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and 3 make a finding of fact upon which it exercises its jurisdiction over the child, and the court 4 may, by order duly entered, proceed as follows:

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.

5 (1) Place the child under supervision in his or her own home or in the custody of a
6 relative or other suitable person after the court or a public agency or institution designated by
7 the court conducts an investigation of the home, relative or person and finds such home,
8 relative or person to be suitable and upon such conditions as the court may require;

9 (2) Commit the child to the custody of:

10 (a) A public agency or institution authorized by law to care for children or to place
11 them in family homes; except that, such child may not be committed to the department of
12 social services, division of youth services;

13 (b) Any other institution or agency which is authorized or licensed by law to care for
14 children or to place them in family homes;

15 (c) An association, school or institution willing to receive the child in another state if
16 the approval of the agency in that state which administers the laws relating to importation of
17 children into the state has been secured; or

18 (d) The juvenile officer;

19 (3) Place the child in a family home;

20 (4) Cause the child to be examined and treated by a physician, psychiatrist or
21 psychologist and when the health or condition of the child requires it, cause the child to be
22 placed in a public or private hospital, clinic or institution for treatment and care; except that,
23 nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric
24 treatment of a child whose parents or guardian in good faith are providing other remedial
25 treatment recognized or permitted under the laws of this state;

26 (5) The court may order, pursuant to subsection 2 of section 211.081, that the child
27 receive the necessary services in the least restrictive appropriate environment including home
28 and community-based services, treatment and support, based on a coordinated, individualized
29 treatment plan. The individualized treatment plan shall be approved by the court and
30 developed by the applicable state agencies responsible for providing or paying for any and all
31 appropriate and necessary services, subject to appropriation, and shall include which agencies
32 are going to pay for and provide such services. Such plan must be submitted to the court
33 within thirty days and the child's family shall actively participate in designing the service plan
34 for the child;

35 (6) The department of social services, in conjunction with the department of mental
36 health, shall apply to the United States Department of Health and Human Services for such
37 federal waivers as required to provide services for such children, including the acquisition of
38 community-based services waivers.

39 2. When a child is found by the court to come within the provisions of subdivision (2)
40 of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact

41 upon which it exercises its jurisdiction over the child, the court may, by order duly entered,
42 proceed as follows:

43 (1) Place the child under supervision in his or her own home or in custody of a
44 relative or other suitable person after the court or a public agency or institution designated by
45 the court conducts an investigation of the home, relative or person and finds such home,
46 relative or person to be suitable and upon such conditions as the court may require;

47 (2) Commit the child to the custody of:

48 (a) A public agency or institution authorized by law to care for children or place them
49 in family homes; except that, a child may be committed to the department of social services,
50 division of youth services, only if he or she is presently under the court's supervision after an
51 adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

52 (b) Any other institution or agency which is authorized or licensed by law to care for
53 children or to place them in family homes;

54 (c) An association, school or institution willing to receive it in another state if the
55 approval of the agency in that state which administers the laws relating to importation of
56 children into the state has been secured; or

57 (d) The juvenile officer;

58 (3) Place the child in a family home;

59 (4) Cause the child to be examined and treated by a physician, psychiatrist or
60 psychologist and when the health or condition of the child requires it, cause the child to be
61 placed in a public or private hospital, clinic or institution for treatment and care; except that,
62 nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric
63 treatment of a child whose parents or guardian in good faith are providing other remedial
64 treatment recognized or permitted under the laws of this state];

65 ~~(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the~~
66 ~~court].~~

67

68 Execution of any order entered by the court pursuant to this subsection, including a
69 commitment to any state agency, may be suspended and the child placed on probation subject
70 to such conditions as the court deems reasonable. After a hearing, probation may be revoked
71 and the suspended order executed.

72 3. When a child is found by the court to come within the provisions of subdivision (3)
73 of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon
74 which it exercises its jurisdiction over the child, and the court may, by order duly entered,
75 proceed as follows:

76 (1) Place the child under supervision in his or her own home or in custody of a
77 relative or other suitable person after the court or a public agency or institution designated by

78 the court conducts an investigation of the home, relative or person and finds such home,
79 relative or person to be suitable and upon such conditions as the court may require; provided
80 that, no child who has been adjudicated a delinquent by a juvenile court for committing or
81 attempting to commit a sex-related offense which if committed by an adult would be
82 considered a felony offense pursuant to chapter 566, including but not limited to rape, forcible
83 sodomy, child molestation, and sexual abuse, and in which the victim was a child, shall be
84 placed in any residence within one thousand feet of the residence of the abused child of that
85 offense until the abused child reaches the age of eighteen, and provided further that the
86 provisions of this subdivision regarding placement within one thousand feet of the abused
87 child shall not apply when the abusing child and the abused child are siblings or children
88 living in the same home;

89 (2) Commit the child to the custody of:

90 (a) A public agency or institution authorized by law to care for children or to place
91 them in family homes;

92 (b) Any other institution or agency which is authorized or licensed by law to care for
93 children or to place them in family homes;

94 (c) An association, school or institution willing to receive it in another state if the
95 approval of the agency in that state which administers the laws relating to importation of
96 children into the state has been secured; or

97 (d) The juvenile officer;

98 (3) Beginning January 1, 1996, the court may make further directions as to placement
99 with the division of youth services concerning the child's length of stay. The length of stay
100 order may set forth a minimum review date;

101 (4) Place the child in a family home;

102 (5) Cause the child to be examined and treated by a physician, psychiatrist or
103 psychologist and when the health or condition of the child requires it, cause the child to be
104 placed in a public or private hospital, clinic or institution for treatment and care; except that,
105 nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric
106 treatment of a child whose parents or guardian in good faith are providing other remedial
107 treatment recognized or permitted under the laws of this state;

108 (6) Suspend or revoke a state or local license or authority of a child to operate a motor
109 vehicle;

110 (7) Order the child to make restitution or reparation for the damage or loss caused by
111 his or her offense. In determining the amount or extent of the damage, the court may order
112 the juvenile officer to prepare a report and may receive other evidence necessary for such
113 determination. The child and his or her attorney shall have access to any reports which may
114 be prepared, and shall have the right to present evidence at any hearing held to ascertain the

115 amount of damages. Any restitution or reparation ordered shall be reasonable in view of the
116 child's ability to make payment or to perform the reparation. The court may require the clerk
117 of the circuit court to act as receiving and disbursing agent for any payment ordered;

118 (8) Order the child to a term of community service under the supervision of the court
119 or of an organization selected by the court. Every person, organization, and agency, and each
120 employee thereof, charged with the supervision of a child under this subdivision, or who
121 benefits from any services performed as a result of an order issued under this subdivision,
122 shall be immune from any suit by the child ordered to perform services under this
123 subdivision, or any person deriving a cause of action from such child, if such cause of action
124 arises from the supervision of the child's performance of services under this subdivision and if
125 such cause of action does not arise from an intentional tort. A child ordered to perform
126 services under this subdivision shall not be deemed an employee within the meaning of the
127 provisions of chapter 287, nor shall the services of such child be deemed employment within
128 the meaning of the provisions of chapter 288. Execution of any order entered by the court,
129 including a commitment to any state agency, may be suspended and the child placed on
130 probation subject to such conditions as the court deems reasonable. After a hearing,
131 probation may be revoked and the suspended order executed[;

132 ~~(9) When a child has been adjudicated to have violated a municipal ordinance or to~~
133 ~~have committed an act that would be a misdemeanor if committed by an adult, assess an~~
134 ~~amount of up to twenty five dollars to be paid by the child to the clerk of the court; when a~~
135 ~~child has been adjudicated to have committed an act that would be a felony if committed by~~
136 ~~an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the~~
137 ~~court].~~

138 4. Beginning January 1, 1996, the court may set forth in the order of commitment the
139 minimum period during which the child shall remain in the custody of the division of youth
140 services. No court order shall require a child to remain in the custody of the division of youth
141 services for a period which exceeds the child's nineteenth birth date except upon petition filed
142 by the division of youth services pursuant to subsection 1 of section 219.021. In any order of
143 commitment of a child to the custody of the division of youth services, the division shall
144 determine the appropriate program or placement pursuant to subsection 3 of section 219.021.
145 Beginning January 1, 1996, the department shall not discharge a child from the custody of the
146 division of youth services before the child completes the length of stay determined by the
147 court in the commitment order unless the committing court orders otherwise. The director of
148 the division of youth services may at any time petition the court for a review of a child's
149 length of stay commitment order, and the court may, upon a showing of good cause, order the
150 early discharge of the child from the custody of the division of youth services. The division
151 may discharge the child from the division of youth services without a further court order after

152 the child completes the length of stay determined by the court or may retain the child for any
153 period after the completion of the length of stay in accordance with the law.

154 5. ~~[When an assessment has been imposed under the provisions of subsection 2 or 3~~
155 ~~of this section, the assessment shall be paid to the clerk of the court in the circuit where the~~
156 ~~assessment is imposed by court order, to be deposited in a fund established for the sole~~
157 ~~purpose of payment of judgments entered against children in accordance with section~~
158 ~~211.185.]~~ **No assessment shall be imposed on a child or the child's parent, guardian, or**
159 **legal custodian for the actions of the child under the provisions of this section.**

211.241. 1. When the juvenile court finds a child to be within the purview of
2 applicable provisions of section 211.031 ~~[it may in the same or subsequent proceedings, either~~
3 ~~on its own motion or upon the application of any person, institution or agency having the~~
4 ~~custody of such child, proceed to inquire into the ability of the parent of the child to support it~~
5 ~~or to contribute to its support. If the parent does not voluntarily appear for the proceeding, he~~
6 ~~shall be summoned in the same manner as in civil cases and the summons in the case may~~
7 ~~issue to any county of the state.~~

8 2. ~~If the court finds that the parent is able to support the child or to contribute to its~~
9 ~~support], the court [may] shall not enter an order requiring the parent to [support the child or]~~
10 **pay an institution or agency having custody of the child, to contribute to [its] the support**
11 **[and] of the child, or to pay the costs of collecting the judgment.**

12 ~~[3. The court may enforce the order by execution and the execution may issue on~~
13 ~~request of the juvenile officer or any person, agency or institution which has been awarded~~
14 ~~custody of the child. No deposit or bond for costs shall be required as a condition for the~~
15 ~~issuance or service of the execution. No property is exempt from execution upon a judgment~~
16 ~~or decree made under this section, and all wages or other sums due the parent is subject to~~
17 ~~garnishment or execution in any proceedings under this section.~~

18 ~~4. Otherwise]~~ 2. The necessary support of the child shall, unless the court commits
19 the child to a person or institution willing to receive it without charge, be paid out of the funds
20 of the county but only upon approval of the judge of the juvenile court.

488.012. 1. Beginning July 1, 1997, the clerk of each court of this state responsible
2 for collecting court costs shall collect the court costs authorized by statute, in such amounts as
3 are authorized by supreme court rule adopted pursuant to sections 488.010 to 488.020. Court
4 costs due and payable prior to July 1, 1997, shall not be affected by the adoption of this rule.
5 **No court costs shall be charged to a minor or to the minor's parent, guardian, or legal**
6 **custodian for the actions of the minor.**

7 2. The supreme court shall set the amount of court costs authorized by statute, at
8 levels to produce revenue which shall not substantially exceed the total of the proportion of
9 the costs associated with administration of the judicial system defrayed by fees,

10 miscellaneous charges and surcharges. **This subsection and subsection 3 of this section**
11 **shall not apply to minors under eighteen years of age.**

12 3. Prior to adjustment by the supreme court, the following fees, costs and charges
13 shall be collected:

14 (1) Five dollars for the filing of a lien, pursuant to section 429.090;

15 (2) Ten dollars for maintaining child support enforcement records, pursuant to section
16 452.345;

17 (3) Ten dollars for a notice to a judgment creditor of a distributee, pursuant to section
18 473.618;

19 (4) Three dollars for receiving and keeping a will, pursuant to section 474.510;

20 (5) Seven dollars for the statewide court automation fund, pursuant to section
21 488.027;

22 (6) Twelve dollars for municipal court costs, fifteen dollars for municipal ordinance
23 violations filed before an associate circuit judge and thirty dollars for applications for a trial
24 de novo of a municipal ordinance violation, pursuant to section 479.260;

25 (7) Five dollars for small claims court cases where less than one hundred dollars is in
26 dispute, and ten dollars in all other small claims court cases, pursuant to section 482.345;

27 (8) Fifty dollars for appeals, pursuant to section 483.500;

28 (9) Fifteen dollars in misdemeanor cases where there is no application for trial de
29 novo, pursuant to section 483.530;

30 (10) Forty-five dollars for applications for a trial de novo for misdemeanor cases,
31 pursuant to section 483.530;

32 (11) Fifteen dollars for each preliminary hearing in felony cases, pursuant to section
33 483.530;

34 (12) Thirty dollars for each information or indictment filed in felony cases, pursuant
35 to section 483.530;

36 (13) Fifteen dollars for each associate circuit court case filed, and one dollar for each
37 additional summons issued in such cases, pursuant to section 483.530;

38 (14) Forty-five dollars for applications for trial de novo from small claims court and
39 associate circuit court and forty-five dollars for filing of other cases, pursuant to section
40 483.530;

41 (15) One dollar and fifty cents for a certificate of naturalization, pursuant to section
42 483.535;

43 (16) When letters are applied for in probate proceedings, pursuant to section 483.580,
44 when the value of the estate is:

45 (a) Less than \$10,000 \$ 75.00

46 (b) From \$10,000 to \$25,000 115.00

- 47 (c) From \$25,000 to \$50,000 155.00
48 (d) From \$50,000 to \$100,000 245.00
49 (e) From \$100,000 to \$500,000 305.00
50 (f) More than \$500,000 365.00;
- 51 (17) Thirty dollars for each additional twelve months a decedent's estate remains
52 open, pursuant to section 483.580;
- 53 (18) In proceedings regarding guardianships and conservatorships, pursuant to
54 section 483.580:
- 55 (a) Twenty-five dollars for each grant of letters for guardianship of a minor;
56 (b) Fifty dollars for each grant of letters for guardianship of an incapacitated person;
57 (c) Sixty dollars for each grant of letters for guardianship of the person and
58 conservatorship of the estate of a minor;
- 59 (d) Twenty-five dollars for each additional twelve months a conservatorship of a
60 minor's estate case remains open;
- 61 (e) Seventy-five dollars for each grant of letters in guardianship and conservatorship
62 of incapacitated persons and their estates;
- 63 (f) Thirty dollars for each additional twelve months an incapacitated person's case
64 remains open;
- 65 (19) Fifteen dollars for issuing orders refusing to grant letters to a spouse or an
66 unmarried minor child and thirty dollars for a certified copy of such orders, pursuant to
67 section 483.580;
- 68 (20) In probate proceedings, pursuant to section 483.580:
- 69 (a) Thirty-five dollars for the collection of small estates;
70 (b) Thirty-five dollars for involuntary hospitalization proceedings;
71 (c) Thirty dollars for proceedings to determine heirship;
72 (d) Fifteen dollars for assessment of estate taxes where no letters are granted;
73 (e) Fifty dollars for proceedings for the sale of real estate by a nonresident
74 conservator;
- 75 (f) Forty dollars for proceedings to dispense with administration;
76 (g) Twenty dollars for proceedings to dispense with conservatorship;
77 (h) Twenty-five dollars for admitting a will to probate;
78 (i) One dollar per copied page and one dollar and fifty cents per certificate;
- 79 (21) One dollar and fifty cents per page for testimony transcription, pursuant to
80 section 488.2250;
- 81 (22) Fifteen dollars for court reporters, pursuant to section 488.2253;
- 82 (23) Three dollars for witness fees per day, and four dollars when the witness must
83 travel to another county, pursuant to section 491.280.

488.027. 1. In addition to all other court costs provided by law, in all civil cases filed
 2 in the circuit courts of this state and in all criminal cases including violations of any
 3 municipal or county ordinance heard by an associate circuit judge or any violation of criminal
 4 or traffic laws of this state, including an infraction, a fee in an amount determined pursuant to
 5 sections 488.015 to 488.020 shall be assessed as costs, except that[~~7~~]:

6 **(1)** No such fee shall be collected in any proceeding involving a violation of an
 7 ordinance or state law when a criminal proceeding or defendant has been dismissed by the
 8 court or when costs are waived or are to be paid by the state, county or municipality; **and**

9 **(2) No fee shall be collected from:**

10 **(a) A minor in any proceeding against the minor; or**

11 **(b) A minor's parent, guardian, or legal custodian for the actions of the minor.**

12 2. The moneys collected by clerks of the courts pursuant to the provisions of this
 13 section shall be collected and disbursed as provided by sections 488.010 to 488.020. All such
 14 moneys shall be payable to the director of revenue, who shall deposit all amounts collected
 15 pursuant to this section to the credit of the statewide court automation fund which is
 16 established in section 476.055.

17 3. The assessment of court costs authorized by this section shall apply to all cases
 18 filed on or after September 1, 1994.

488.031. 1. In addition to other fees authorized by law, the clerk of each court shall
 2 collect the following fees on the filing of any civil or criminal action or proceeding, including
 3 an appeal, except that no fee shall be imposed pursuant to this section on any case that is filed
 4 charging traffic violations except alcohol-related offenses:

5	Supreme court and court of appeals	\$20.00;
6	Circuit division	\$10.00;
7	Associate circuit courts	\$ 8.00; and
8	Small claims courts	No additional fee

9 2. Court filing surcharges pursuant to this section shall be collected in the same
 10 manner as other fees, fines, or costs in the case. The amounts so collected shall be paid by the
 11 clerk to the office of the state courts administrator and credited to the special fund designated
 12 as the basic civil legal services fund. However, the additional fees prescribed by this section
 13 shall not be collected when a criminal proceeding or defendant has been dismissed by the
 14 court or when costs are waived or are to be paid by the state, county, municipality, or other
 15 political subdivision of this state. **The additional fees prescribed by this section shall not**
 16 **be collected from a minor in any proceeding against the minor or from the minor's**
 17 **parent, guardian, or legal custodian for the actions of the minor.**

488.2253. In every contested case, or case in which the evidence is to be preserved,
 2 except for the collection of delinquent or back taxes, before any circuit judge when an official

3 court reporter is appointed, the clerk of said court shall tax up the sum of fifteen dollars, to be
4 collected as other costs, and paid by said clerk to the director of revenue of the state. **The fee**
5 **prescribed by this section shall not be collected from a minor in any proceeding against**
6 **the minor or from the minor's parent, guardian, or legal custodian for the actions of the**
7 **minor.**

488.2300. 1. A "Family Services and Justice Fund" is hereby established in each
2 county or circuit with a family court, for the purpose of aiding with the operation of the
3 family court divisions and services provided by those divisions. In circuits or counties having
4 a family court, the circuit clerk shall charge and collect a surcharge of thirty dollars in all
5 proceedings falling within the jurisdiction of the family court. The surcharge shall not be
6 charged when no court costs are otherwise required, shall not be charged against the petitioner
7 for actions filed pursuant to the provisions of chapter 455, but may be charged to the
8 respondent in such actions, shall not be charged to a government agency and shall not be
9 charged in any proceeding when costs are waived or are to be paid by the state, county or
10 municipality.

2. ~~[In juvenile proceedings under chapter 211, a judgment of up to thirty dollars may
12 be assessed against the child, parent or custodian of the child, in addition to other amounts
13 authorized by law, in informal adjustments made under the provisions of sections 211.081 and
14 211.083, and in an order of disposition or treatment under the provisions of section 211.181.
15 The judgment may be ordered paid to the clerk of the circuit where the assessment is
16 imposed.~~

3.] All sums collected pursuant to this section and section 487.140 shall be payable to
18 the various county family services and justice funds.

~~[4.]~~ 3. Any moneys in the family services and justice fund not expended for salaries
20 of commissioners, family court administrators and family court staff shall be used toward
21 funding the enhanced services provided as a result of the establishment of a family court;
22 however, it shall not replace or reduce the current and ongoing responsibilities of the counties
23 to provide funding for the courts as required by law. Moneys collected for the family services
24 and justice fund shall be expended for the benefit of litigants and recipients of services in the
25 family court, with priority given to services such as guardians ad litem, mediation,
26 counseling, home studies, psychological evaluation and other forms of alternative dispute-
27 resolution services. Expenditures shall be made at the discretion of the presiding judge or
28 family court administrative judge, as designated by the circuit and associate circuit judges en
29 banc, for the implementation of the family court system as set forth in this section. No
30 moneys from the family services and justice fund may be used to pay for mediation in any
31 cause of action in which domestic violence is alleged.

32 [5-] 4. From the funds collected pursuant to this section and retained in the family
33 services and justice fund, each circuit or county in which a family court commissioner in
34 addition to those commissioners existing as juvenile court commissioners on August 28,
35 1993, have been appointed pursuant to sections 487.020 to 487.040 shall pay to and
36 reimburse the state for the actual costs of that portion of the salaries of family court
37 commissioners appointed pursuant to the provisions of sections 487.020 to 487.040.

38 [6-] 5. No moneys deposited in the family services and justice fund may be expended
39 for capital improvements.

488.5026. 1. Upon approval of the governing body of a city, county, or a city not
2 within a county, a surcharge of two dollars shall be assessed as costs in each court proceeding
3 filed in any court in any city, county, or city not within a county adopting such a surcharge, in
4 all criminal cases including violations of any county ordinance or any violation of criminal or
5 traffic laws of the state, including an infraction and violation of a municipal ordinance; except
6 that no such fee shall be collected in any proceeding in any court when the proceeding or the
7 defendant has been dismissed by the court or when costs are to be paid by the state, county, or
8 municipality. ~~[A surcharge of two dollars shall be assessed as costs in a juvenile court~~
9 ~~proceeding in which a child is found by the court to come within the applicable provisions of~~
10 ~~subdivision (3) of subsection 1 of section 211.031.]~~ **The fee prescribed by this section shall**
11 **not be collected from a minor in any proceeding against the minor or from the minor's**
12 **parent, guardian, or legal custodian for the actions of the minor.**

13 2. Notwithstanding any other provision of law, the moneys collected by clerks of the
14 courts pursuant to the provisions of subsection 1 of this section shall be collected and
15 disbursed in accordance with sections 488.010 to 488.020, and shall be payable to the
16 treasurer of the governmental unit authorizing such surcharge.

17 3. The treasurer shall deposit funds generated by the surcharge into the "Inmate
18 Prisoner Detainee Security Fund". Funds deposited shall be utilized to acquire and develop
19 biometric verification systems and information sharing to ensure that inmates, prisoners, or
20 detainees in a holding cell facility or other detention facility or area which hold persons
21 detained only for a shorter period of time after arrest or after being formally charged can be
22 properly identified upon booking and tracked within the local law enforcement administration
23 system, criminal justice administration system, or the local jail system. The funds deposited
24 in the inmate prisoner detainee security fund shall be used only to supplement the sheriff's
25 funding received from other county, state, or federal funds. The county commission shall not
26 reduce any sheriff's budget as a result of any funds received within the inmate prisoner
27 detainee security fund. Upon the installation of the information sharing or biometric
28 verification system, funds in the inmate prisoner detainee security fund may also be used for
29 the maintenance, repair, and replacement of the information sharing or biometric verification

30 system, and also to pay for any expenses related to detention, custody, and housing and other
31 expenses for inmates, prisoners, and detainees.

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

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

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

23 4. The remaining funds collected under subsection 1 of this section shall be denoted
24 to the payment of an annual appropriation for the administrative and operational costs of the
25 office for victims of crime and, if a statewide automated crime victim notification system is
26 established pursuant to section 650.310, to the monthly payment of expenditures actually
27 incurred in the operation of such system. Additional remaining funds shall be subject to the
28 following 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
31 satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075,
32 excluding sections 595.050 and 595.055;

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

35 to the credit of the crime victims' compensation fund and fifty percent to the services to
36 victims' 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
39 services 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
42 percent of such moneys shall be payable to the city treasury of the city from which such funds
43 were collected. The remaining ninety-five percent of such moneys shall be payable to the
44 director of revenue. The funds received by the director of revenue pursuant to this subsection
45 shall be 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
48 satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075,
49 excluding sections 595.050 and 595.055;

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
52 to the credit of the crime victims' compensation fund and fifty percent to the services to
53 victims' 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,
56 held or disbursed by any state agency.

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

70 9. The clerk of the court processing such funds shall maintain records of all
71 dispositions described in subsection 1 of this section and all dispositions where a judgment

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

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

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

86 12. All awards made to injured victims under sections 595.010 to 595.105 and all
87 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
88 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
89 remaining in the crime victims' compensation fund at the end of each biennium shall not be
90 subject to the provision of section 33.080 requiring the transfer of such unexpended balance
91 to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation
92 fund. In the event that there are insufficient funds in the crime victims' compensation fund to
93 pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the
94 crime victims' compensation fund, then no claim shall be paid until funds have again
95 accumulated in the crime victims' compensation fund. When sufficient funds become
96 available from the fund, awards which have not been paid shall be paid in chronological order
97 with the oldest paid first. In the event an award was to be paid in installments and some
98 remaining installments have not been paid due to a lack of funds, then when funds do become
99 available that award shall be paid in full. All such awards on which installments remain due
100 shall be paid in full in chronological order before any other postdated award shall be paid.
101 Any award pursuant to this subsection is specifically not a claim against the state, if it cannot
102 be paid due to a lack of funds in the crime victims' compensation fund.

103 13. When judgment is entered against a defendant as provided in this section and such
104 sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
105 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri
106 to such defendant an amount equal to the unpaid amount of such judgment. Such amount
107 shall be paid forthwith to the crime victims' compensation fund and satisfaction of such
108 judgment shall be entered on the court record. Under no circumstances shall the general

109 revenue fund be used to reimburse court costs or pay for such judgment. The director of the
110 department of corrections shall have the authority to pay into the crime victims' compensation
111 fund from an offender's compensation or account the amount owed by the offender to the
112 crime victims' compensation fund, provided that the offender has failed to pay the amount
113 owed to the fund prior to entering a correctional facility of the department of corrections.

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

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

119 16. The department may receive gifts and contributions for the benefit of crime
120 victims. Such gifts and contributions shall be credited to the crime victims' compensation
121 fund as used solely for compensating victims under the provisions of sections 595.010 to
122 595.075.

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