

FIRST REGULAR SESSION

# HOUSE BILL NO. 743

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CONWAY (104).

1578H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 595.045, RSMo, and to enact in lieu thereof one new section relating to the Crime Victims' Compensation Fund.

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Section A. Section 595.045, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 595.045, to read as follows: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

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

3. The director of revenue shall deposit annually the amount of ~~two hundred fifty thousand~~ **one million** dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement

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.

18 Agency or the Missouri department of health and senior services. Subject to appropriations  
19 made therefor, such funds shall be distributed by the department of public safety to the crime  
20 laboratories serving the courts of this state making analysis of a controlled substance or analysis  
21 of blood, breath or urine in relation to a court proceeding.

22 4. The remaining funds collected under subsection 1 of this section shall be denoted to  
23 the payment of an annual appropriation for the administrative and operational costs of the office  
24 for victims of crime and, if a statewide automated crime victim notification system is established  
25 pursuant to section 650.310, to the monthly payment of expenditures actually incurred in the  
26 operation of such system. Additional remaining funds shall be subject to the following  
27 provisions:

28 (1) On the first of every month, the director of revenue or the director's designee shall  
29 determine the balance of the funds in the crime victims' compensation fund available to satisfy  
30 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections  
31 595.050 and 595.055;

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

36 5. The director of revenue or such director's designee shall at least monthly report the  
37 moneys paid pursuant to this section into the crime victims' compensation fund and the services  
38 to victims fund to the department of public safety.

39 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this  
40 section shall be collected and disbursed as provided by sections 488.010 to 488.020. Five percent  
41 of such moneys shall be payable to the city treasury of the city from which such funds were  
42 collected. The remaining ninety-five percent of such moneys shall be payable to the director of  
43 revenue. The funds received by the director of revenue pursuant to this subsection shall be  
44 distributed as follows:

45 (1) On the first of every month, the director of revenue or the director's designee shall  
46 determine the balance of the funds in the crime victims' compensation fund available to satisfy  
47 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections  
48 595.050 and 595.055;

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

53           7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such  
54 audit shall include all records associated with crime victims' compensation funds collected, held  
55 or disbursed by any state agency.

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

69           9. The clerk of the court processing such funds shall maintain records of all dispositions  
70 described in subsection 1 of this section and all dispositions where a judgment has been entered  
71 against a defendant in favor of the state of Missouri in accordance with this section; all payments  
72 made on judgments for alcohol-related traffic offenses; and any judgment or portion of a  
73 judgment entered but not collected. These records shall be subject to audit by the state auditor.  
74 The clerk of each court transmitting such funds shall report separately the amount of dollars  
75 collected on judgments entered for alcohol-related traffic offenses from other crime victims'  
76 compensation collections or services to victims collections.

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

80           11. The state courts administrator shall include in the annual report required by section  
81 476.350 the circuit court caseloads and the number of crime victims' compensation judgments  
82 entered.

83           12. All awards made to injured victims under sections 595.010 to 595.105 and all  
84 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and  
85 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance  
86 remaining in the crime victims' compensation fund at the end of each biennium shall not be  
87 subject to the provision of section 33.080 requiring the transfer of such unexpended balance to  
88 the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund.

89 In the event that there are insufficient funds in the crime victims' compensation fund to pay all  
90 claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime  
91 victims' compensation fund, then no claim shall be paid until funds have again accumulated in  
92 the crime victims' compensation fund. When sufficient funds become available from the fund,  
93 awards which have not been paid shall be paid in chronological order with the oldest paid first.  
94 In the event an award was to be paid in installments and some remaining installments have not  
95 been paid due to a lack of funds, then when funds do become available that award shall be paid  
96 in full. All such awards on which installments remain due shall be paid in full in chronological  
97 order before any other postdated award shall be paid. Any award pursuant to this subsection is  
98 specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime  
99 victims' compensation fund.

100 13. When judgment is entered against a defendant as provided in this section and such  
101 sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,  
102 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to  
103 such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be  
104 paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall  
105 be entered on the court record. Under no circumstances shall the general revenue fund be used  
106 to reimburse court costs or pay for such judgment. The director of the department of corrections  
107 shall have the authority to pay into the crime victims' compensation fund from an offender's  
108 compensation or account the amount owed by the offender to the crime victims' compensation  
109 fund, provided that the offender has failed to pay the amount owed to the fund prior to entering  
110 a correctional facility of the department of corrections.

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

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

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

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