

SENATE BILL NO. 1374

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR GANNON.

5247S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 454, RSMo, by adding thereto one new section relating to restitution payments for certain persons convicted of the offense of driving while intoxicated.

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

Section A. Chapter 454, RSMo, is amended by adding thereto
2 one new section, to be known as section 454.1050, to read as
3 follows:

454.1050. 1. This section shall be known and may be
2 cited as "Bentley and Mason's Law".

3 2. The court shall order a defendant convicted of the
4 offense of driving while intoxicated to pay restitution for
5 a child whose parent or guardian died as a result of such
6 offense.

7 3. Notwithstanding any provision of law under chapter
8 559 relating to restitution, and subject to subsection 4 of
9 this section, the court shall determine a monthly amount to
10 be paid for the support of the child until the child reaches
11 eighteen years of age or has graduated from high school,
12 whichever is later.

13 4. The defendant shall not be required to pay
14 restitution under this section to an individual who is
15 nineteen years of age or older.

16 5. The court shall order the defendant to pay
17 restitution in an amount that is reasonable and necessary to

18 support the child, considering all relevant factors,
19 including:

- 20 (1) The financial needs and resources of the child;
- 21 (2) The financial needs and resources of the surviving
22 parent or guardian or other current guardian of the child,
23 including the state if the state is the guardian;
- 24 (3) The standard of living to which the child is
25 accustomed;
- 26 (4) The physical and emotional condition of the child
27 and the child's educational needs;
- 28 (5) The child's physical and legal custody
29 arrangements;
- 30 (6) The reasonable work-related child care expenses of
31 the surviving parent or guardian or other current guardian,
32 if applicable; and
- 33 (7) The financial resources of the defendant.

34 6. The order of restitution under this section shall
35 require restitution payments to be:

- 36 (1) Delivered in the manner described under subsection
37 7 of this section, as appropriate; and
- 38 (2) Directed to the parent or guardian of the child or
39 the state, as applicable.

40 7. The order of restitution under this section shall
41 require the defendant to:

- 42 (1) Make restitution directly to the person or agency
43 that will accept and forward restitution payments to the
44 victim or other person eligible for restitution under this
45 section; or
- 46 (2) Deliver the amount due as restitution to the
47 division of probation or parole or to the department of
48 corrections for transfer to the victim or person or state,
49 as appropriate.

50 8. If a defendant ordered to pay restitution under
51 this section is unable to make the required restitution
52 payments because the defendant is confined or imprisoned in
53 a correctional facility, the defendant shall begin payments
54 no later than the first anniversary of the date of the
55 defendant's release from the facility. The defendant may
56 enter into a payment plan to address any arrearage that
57 exists on the date of the defendant's release. The
58 defendant shall pay all arrearages regardless of whether the
59 restitution payments were scheduled to terminate while the
60 defendant was confined or imprisoned in the correctional
61 facility.

62 9. The amount of restitution paid under this section
63 shall be deducted from any civil judgment against the
64 defendant.

65 10. A restitution order issued under this section may
66 be enforced by the office of the attorney general, or by a
67 person or a parent or guardian of the person named in the
68 order to receive the restitution, in the same manner as a
69 judgment in a civil action.

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