

SENATE BILL NO. 1772

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

7498S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 115.158, 115.160, 208.009, 302.735, 537.675, 537.684, 595.010, 595.040, and 595.045, RSMo, and to enact in lieu thereof ten new sections relating to illegal immigrants, with penalty provisions.

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

Section A. Sections 115.158, 115.160, 208.009, 302.735, 2 537.675, 537.684, 595.010, 595.040, and 595.045, RSMo, are 3 repealed and ten new sections enacted in lieu thereof, to be 4 known as sections 115.158, 115.160, 208.009, 302.733, 302.735, 5 537.675, 537.684, 595.010, 595.040, and 595.045, to read as 6 follows:

115.158. 1. The secretary of state shall implement a 2 centralized, interactive computerized statewide voter 3 registration list. This computerized list shall be known as 4 the "Missouri Voter Registration System". The system shall 5 be implemented by January 1, 2004, unless a waiver is 6 obtained pursuant to the Help America Vote Act of 2002. If 7 a waiver is obtained, the system shall be implemented by 8 January 1, 2006. The system shall be maintained and 9 administered by the secretary of state and contain the name 10 and registration information of every legally registered 11 voter in Missouri. In addition, the system shall:

12 (1) Assign a unique identifier to each legally 13 registered voter in Missouri;

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 (2) Serve as the single system for storing and
15 managing the official list of registered voters throughout
16 Missouri;

17 (3) Be coordinated with other agency databases in
18 Missouri;

19 (4) Allow any election official in Missouri, including
20 local election authorities, immediate electronic access to
21 the information contained in the system;

22 (5) Allow all voter registration information obtained
23 by any local election official in Missouri to be
24 electronically entered into the system on an expedited basis
25 at the time the information is provided to the local
26 official. The secretary of state, as the chief state
27 election official, shall provide such support as may be
28 required so that local election officials are able to enter
29 the registration information; and

30 (6) Serve as the official voter registration list for
31 the conduct of all elections in Missouri.

32 2. The secretary of state and local election
33 authorities shall perform system maintenance on a regular
34 basis, which shall include:

35 (1) Removing names in accordance with the provisions
36 and procedures of the National Voter Registration Act of
37 1993 and coordinating system maintenance activities with
38 state agency records on death and felony status;

39 (2) Requiring the name of each registered voter to
40 appear in the system;

41 (3) Removing only voters who are not registered or who
42 are not eligible to vote; and

43 (4) Eliminating duplicate names from the system.

44 3. The secretary of state shall provide adequate
45 technological security measures to prevent the unauthorized
46 access to the system established pursuant to this section.

47 4. The secretary of state shall develop procedures to
48 ensure that voter registration records within the system are
49 accurate and updated regularly. At a minimum, the
50 procedures shall include:

51 (1) A system of file maintenance that makes a
52 reasonable effort to remove registrants who are ineligible
53 to vote. Consistent with the National Voter Registration
54 Act of 1993, registrants who have not responded to a notice
55 and who have not voted in two consecutive general elections
56 for federal office shall be removed from the official list
57 of eligible voters, except that no registrant may be removed
58 solely by reason of a failure to vote; and

59 (2) Safeguards to ensure that eligible voters are not
60 removed in error.

61 5. Voter registration information shall be verified in
62 accordance with the Help America Vote Act of 2002.

63 (1) Except as provided in subdivision (2) of this
64 subsection, an application for voter registration may not be
65 accepted or processed unless the application includes:

66 (a) In the case of an applicant who has been issued a
67 current and valid driver's license, the applicant's driver's
68 license number; or

69 (b) In the case of any other applicant, other than an
70 applicant to whom subdivision (2) applies, the last four
71 digits of the applicant's Social Security number.

72 (2) If an applicant for voter registration has not
73 been issued a current and valid driver's license or a Social
74 Security number, the applicant shall be assigned a number
75 which will serve to identify the applicant for voter

76 registration purposes. The number assigned under this
77 subdivision shall be used as the unique identifying number
78 within the system.

79 (3) The secretary of state and the director of the
80 department of revenue shall enter into an agreement to match
81 information in the database of the voter registration system
82 with information in the database of the motor vehicle
83 system, **which shall include information pertaining to the**
84 **citizenship status of those within the department of**
85 **revenue's database**, to enable the secretary to verify the
86 accuracy of information provided on applications for voter
87 registration.

88 (4) The director of the department of revenue shall
89 enter into an agreement with the commissioner of Social
90 Security and comply with the Help America Vote Act of 2002.

91 6. In addition to using the system for voter
92 registration, the election authorities and secretary of
93 state may use the system for the collection and
94 dissemination of election results and other pertinent
95 information. Any information contained in any state or
96 local voter registration system, limited to the master voter
97 registration list or any other list generated from the
98 information, subject to chapter 610, shall not be used for
99 commercial purposes; provided, however, that the information
100 may be used for elections, for candidates, or for ballot
101 measures, furnished at a reasonable fee. Violation of this
102 section shall be a class B misdemeanor. For purposes of
103 this section, "commercial purposes" means the use of a
104 public record for the purpose of sale or resale or for the
105 purpose of producing a document containing all or part of
106 the copy, printout, or photograph for sale or the obtaining
107 of names and addresses from public records for the purpose

108 of solicitation or the sale of names and addresses to
109 another for the purpose of solicitation or for any purpose
110 in which the purchaser can reasonably anticipate the receipt
111 of monetary gain from the direct or indirect use of the
112 public record.

113 7. The secretary of state shall establish an advisory
114 committee to assist in the establishment and maintenance of
115 the Missouri voter registration system.

116 8. The secretary of state may promulgate rules to
117 execute this section. No rule or portion of a rule
118 promulgated pursuant to the authority of this section shall
119 become effective unless it has been promulgated pursuant to
120 chapter 536.

121 9. Election authorities and any agency required under
122 the National Voter Registration Act of 1993 to accept voter
123 registration applications shall forward registration and
124 other data in a manner prescribed by the secretary of state
125 to assist with administering and maintaining the Missouri
126 voter registration system in accordance with the Help
127 America Vote Act of 2002.

115.160. 1. All Missouri driver's license applicants
2 shall receive a voter registration application form as a
3 simultaneous part of the application for a driver's license,
4 renewal of driver's license, change of address, duplicate
5 request and a nondriver's license.

6 2. If a single application form is used, the voter
7 registration application portion of any application
8 described in subsection 1 of this section may not require
9 any information that duplicates information required in the
10 driver's license portion of the form, except a second
11 signature or other information required by law.

12 3. After conferring with the secretary of state as the
13 chief state election official responsible for overseeing of
14 the voter registration process, the director of revenue
15 shall adopt rules and regulations pertaining to the format
16 of the voter registration application used by the
17 department. The director of revenue shall utilize
18 electronic voter registration application forms and provide
19 for secure electronic transfer of voter registration
20 information to election authorities. The secretary of state
21 and the director of revenue shall ensure the confidentiality
22 and integrity of the voter registration data collected,
23 maintained, received, or transmitted under this section.

24 4. No information relating to the failure of an
25 applicant for a driver's license or nondriver's license to
26 sign a voter registration application may be used for any
27 purpose other than voter registration.

28 5. Any voter registration application received
29 pursuant to the provisions of this section shall be
30 forwarded, in a secure and electronic manner, to the
31 election authority located within that county or any city
32 not within a county, or if there is more than one election
33 authority within the county, then to the election authority
34 located nearest to the location where the driver's license
35 application was received. Voter registration information,
36 including an electronic image of the signature of the
37 applicant, shall be transmitted in a format compatible with
38 the Missouri voter registration system established in
39 section 115.158 which allows for review by the election
40 authority and does not require the election authority to
41 manually reenter the information, provided that the election
42 authority shall print out a paper copy of the information
43 and retain such information in the manner required by

44 section 115.145. The election authority receiving the
45 application forms shall review the applications and forward,
46 in a secure and electronic manner, any applications
47 pertaining to a different election authority to that
48 election authority.

49 6. A completed voter registration application accepted
50 in the driver's licensing process shall be transmitted to
51 the election authority described in subsection 5 of this
52 section not later than three business days after the form is
53 completed by the applicant.

54 7. Any person registering to vote when applying for or
55 renewing a Missouri driver's license shall submit with the
56 application form a copy of a birth certificate, a Native
57 American tribal document, or other proof of United States
58 citizenship, a valid Missouri driver's license, or other
59 form of personal identification. Any person who, at the
60 time of a transaction with the division of motor vehicle and
61 driver licensing of the department of revenue, provides a
62 document that establishes noncitizenship shall not be
63 offered the opportunity to register to vote as part of the
64 transaction. **The division of motor vehicle and driver**
65 **licensing shall determine whether an applicant for a**
66 **driver's license has the requisite proof of citizenship**
67 **needed to register to vote. The division shall only provide**
68 **an opportunity to register to vote to a customer who**
69 **provides documentation demonstrating that the individual is**
70 **a citizen of the United States.**

208.009. 1. **No individual who is not a United States**
2 **citizen or national of the United States shall be eligible**
3 **to receive food assistance through the Supplemental**
4 **Nutrition Assistance Program (SNAP), unless that individual**
5 **meets the definition of an eligible alien pursuant to 7**

6 U.S.C. 2015(f) and meets the definition of a qualified alien
7 pursuant to 8 U.S.C. 1641(b).

8 2. No individual who is not a United States citizen or
9 national of the United States shall be eligible to receive
10 medical assistance through MO HealthNet, unless that
11 individual meets the definition of an eligible alien
12 pursuant to 42 U.S.C. 1396b(v) and meets the definition of a
13 qualified alien pursuant to 8 U.S.C. 1641(b).

14 3. No alien unlawfully present in the United States
15 shall receive any state or local public benefit, except for
16 state or local public benefits that may be offered under 8
17 U.S.C. 1621(b). Nothing in this section shall be construed
18 to prohibit the rendering of emergency medical care,
19 prenatal care, services offering alternatives to abortion,
20 emergency assistance, or legal assistance to any person.

21 [2.] 4. As used in this section, "public benefit"
22 means any grant, contract, or loan provided by an agency of
23 state or local government; or any retirement, welfare,
24 health, disability, housing, or food assistance benefit
25 under which payments, assistance, credits, or reduced rates
26 or fees are provided. The term "public benefit" shall not
27 include postsecondary education public benefits as defined
28 in section 173.1110, any municipal permit, or contracts or
29 agreements between public utility providers and their
30 customers or unemployment benefits payable under chapter
31 288. The unemployment compensation program shall verify the
32 lawful presence of an alien for the purpose of determining
33 eligibility for benefits in accordance with its own
34 procedures.

35 [3.] 5. In addition to providing proof of other
36 eligibility requirements, at the time of application for any
37 state or local public benefit, an applicant [who is eighteen

38 years of age or older] shall provide affirmative proof [that
39 the applicant is] **they are a United States** citizen [or a
40 permanent resident of the United States or is lawfully
41 present in the United States], **a United States national, or**
42 **an alien with eligible immigration status for public**
43 **benefits.** Such affirmative proof shall include documentary
44 evidence recognized by the department of revenue when
45 processing an application for a driver's license, a Missouri
46 driver's license, as well as any document issued by the
47 federal government that confirms an alien's lawful presence
48 in the United States[. In processing applications for
49 public benefits, an employee of an agency of state or local
50 government shall not inquire about the legal status of a
51 custodial parent or guardian applying for a public benefit
52 on behalf of his or her dependent child who is a citizen or
53 permanent resident of the United States] **and eligible alien**
54 **status for public benefits.**

55 [4.] 6. An applicant who cannot provide the proof
56 required under this section at the time of application may
57 alternatively sign an affidavit under oath, attesting to
58 either United States citizenship or classification by the
59 United States as an alien lawfully admitted [for permanent
60 residence] **that is eligible for public benefits,** in order to
61 receive temporary benefits or a temporary identification
62 document as provided in this section. The affidavit shall
63 be on or consistent with forms prepared by the state or
64 local government agency administering the state or local
65 public benefits and shall include the applicant's Social
66 Security number or any applicable federal identification
67 number and an explanation of the penalties under state law
68 for obtaining public assistance benefits fraudulently.

69 [5.] 7. (1) An applicant who has provided the sworn
70 affidavit required under subsection [4] 6 of this section is
71 eligible to receive temporary public benefits as follows:

72 [(1)] (a) **For the minimum period required under**
73 **federal law, or if no minimum period is established under**
74 **federal law,** for ninety days or until such time that it is
75 determined that the applicant is not lawfully present in the
76 United States **or otherwise ineligible for public benefits**
77 **due to immigration status,** whichever is earlier; or

78 [(2)] (b) Indefinitely if the applicant provides a
79 copy of a completed application for a birth certificate that
80 is pending in Missouri or some other state. An extension
81 granted under this subsection shall terminate upon the
82 applicant's receipt of a birth certificate or a
83 determination that a birth certificate does not exist
84 because the applicant is not a United States citizen.

85 (2) **Failure to submit acceptable documentation**
86 **establishing United States citizenship, United States**
87 **national status, or alien status eligible for such public**
88 **benefits within the temporary eligibility period shall**
89 **result in denial or termination of public benefits.**

90 (3) **No additional period of eligibility for temporary**
91 **benefits shall be granted to any applicant who has**
92 **previously been denied public benefits at any time due to a**
93 **failure to verify United States citizenship, United States**
94 **national status, or alien status eligible for such public**
95 **benefits.**

96 [6.] 8. An applicant who is an alien shall not receive
97 any state or local public benefit unless the alien's lawful
98 presence in the United States is first verified by the
99 federal government. State and local agencies administering
100 public benefits in this state shall cooperate with the

101 United States Department of Homeland Security in achieving
102 verification of an alien's lawful presence in the United
103 States in furtherance of this section. The system utilized
104 **[may] shall include, but not be limited to,** the Systematic
105 Alien Verification for Entitlements Program operated by the
106 United States Department of Homeland Security. **[After an**
107 **applicant's lawful presence in the United States has been**
108 **verified through the Systematic Alien Verification for**
109 **Entitlements Program, no additional verification is required**
110 **within the same agency of the state or local government.]**

111 **9. A match through any electronic or data verification**
112 **system shall not, by itself, be accepted as proof of**
113 **identity. Every applicant for public benefits shall be**
114 **required to provide documentary proof of United States**
115 **citizenship, United States national status, or alien status**
116 **eligible for such public benefits pursuant to subsection 5**
117 **of this section.**

118 **[7.] 10.** The provisions of this section shall not be
119 construed to require any nonprofit organization duly
120 registered with the Internal Revenue Service to enforce the
121 provisions of this section, nor does it prohibit such an
122 organization from providing aid.

123 **[8.] 11.** Any agency that administers public benefits
124 shall provide assistance in obtaining appropriate
125 documentation to persons applying for public benefits who
126 sign the affidavit required by subsection **[4] 6** of this
127 section stating they are eligible for such benefits but lack
128 the documents required under subsection **[3] 5** of this
129 section.

130 **12. The MO HealthNet division shall require a field**
131 **for citizenship or immigration status on all presumptive**
132 **eligibility applications. The division shall require**

133 hospitals, clinics, and other qualified entities authorized
134 to conduct presumptive eligibility determinations to collect
135 and transmit attestations of citizenship or eligible
136 immigration status to the division. No presumptive
137 eligibility application shall be approved unless the
138 applicant certifies that they are a United States citizen,
139 United States national, or alien with eligible immigration
140 status for MO HealthNet.

141 13. Any agency that administers public benefits shall
142 verify that the applicant or enrollee of that public benefit
143 is a United States citizen, United States national, or an
144 eligible alien for such public benefit through the
145 Systematic Alien Verification for Entitlements Program
146 operated by the United States Department of Homeland
147 Security and any other verification system at the time of
148 application, at each eligibility redetermination, and
149 whenever information is received indicating a change in
150 circumstances affecting eligibility related to citizenship
151 or immigration status.

152 (1) If verification confirms that an applicant or
153 enrollee is not lawfully present in the United States or no
154 longer qualifies pursuant to subsections 1, 2, or 3 of this
155 section, or any successor provision of state and federal
156 law, the agency that administers that public benefit shall
157 immediately terminate future benefits and initiate
158 disenrollment, except as otherwise permitted for temporary
159 benefits under subsection 6 of this section.

160 (2) If any agency that administers public benefits is
161 unable to determine an applicant's or enrollee's lawful
162 presence after a Systematic Alien Verification for
163 Entitlements Program query or other authorized verification,
164 the agency shall immediately suspend approval or

165 continuation of benefits and refer the case to the United
166 States Department of Homeland Security or other appropriate
167 federal agency for investigation and enforcement action. No
168 public benefits shall be paid or continued unless and until
169 lawful presence is conclusively verified, except as
170 otherwise permitted for temporary benefits under subsection
171 6 of this section.

172 (3) The appropriate agency for referral for an
173 applicant or enrollee for whom they were unable to verify
174 lawful presence shall include, but not be limited to, the
175 United States Department of Agriculture.

176 14. When administering SNAP benefits, the department
177 of social services shall:

178 (1) Consider the entire income and financial resources
179 of any individual rendered ineligible to receive SNAP
180 benefits under subsection 1 of this section when determining
181 the eligibility and benefit allotment of the household of
182 which such individual is a member; and

183 (2) Notwithstanding any options provided under 7 CFR
184 Section 273.11(c) (3), not prorate or exclude the income or
185 financial resources of ineligible individuals under
186 subsection 1 of this section. All such income and resources
187 shall be fully considered.

302.733. 1. An operator of a commercial motor vehicle
2 shall be able to read and speak the English language
3 sufficiently to:

4 (1) Converse with the general public;

5 (2) Understand highway traffic signs and signals in
6 the English language;

7 (3) Respond to official inquiries; and

8 (4) Make entries on reports and records.

9 2. A person commits the offense of operating a
10 commercial motor vehicle without sufficient English language
11 proficiency if he or she:

12 (1) Operates a commercial vehicle; and

13 (2) Fails to demonstrate proficiency in the English
14 language as required under subsection 1 of this section.

15 3. The offense of operating a commercial motor vehicle
16 without sufficient English language proficiency is a class D
17 misdemeanor for a first offense and a class B misdemeanor
18 for a second or subsequent offense.

19 4. A driver found to be in violation of the language
20 proficiency requirements of this section shall be prohibited
21 from operating a commercial motor vehicle within this state
22 until such a time that the driver is able to meet the
23 requirements of subsection 1 of this section.

24 5. Any operator of a commercial motor vehicle found to
25 be in violation of this section shall, in addition to the
26 penalties provided under subsections 3 and 4 of this
27 section, be subject to a fine of one thousand dollars.

28 6. A commercial motor carrier whose driver is found to
29 be in violation of this section shall be subject to a fine
30 of three thousand dollars for each violation.

31 7. A commercial motor carrier shall be notified of the
32 location of any commercial motor vehicle involved in a
33 violation of this section and, upon payment of a fine in
34 full and presentation of a driver who meets all of the
35 requirements to operate a commercial motor vehicle in this
36 state, shall take possession of the vehicle. If the
37 commercial motor carrier is unable to either pay such fine
38 or present such driver within twelve hours after
39 notification, the owner of any cargo being transported by
40 the commercial motor vehicle shall be notified and allowed

41 **to arrange for the transfer of the cargo to another**
42 **vehicle. Neither the state or the owner of such cargo shall**
43 **be liable for any reasonable action to transfer such cargo.**

302.735. 1. An application shall not be taken from a
2 nonresident after September 30, 2005. The application for a
3 commercial driver's license shall include, but not be
4 limited to, the applicant's legal name, mailing and
5 residence address, if different, a physical description of
6 the person, including sex, height, weight and eye color, the
7 person's Social Security number, date of birth and any other
8 information deemed appropriate by the director. The
9 application shall also require, beginning September 30,
10 2005, the applicant to provide the names of all states where
11 the applicant has been previously licensed to drive any type
12 of motor vehicle during the preceding ten years.

13 2. A commercial driver's license shall expire on the
14 applicant's birthday in the sixth year after issuance,
15 unless the license must be issued for a shorter period due
16 to other requirements of law or for transition or staggering
17 of work as determined by the director, and must be renewed
18 on or before the date of expiration. When a person changes
19 such person's name an application for a duplicate license
20 shall be made to the director of revenue. When a person
21 changes such person's mailing address or residence the
22 applicant shall notify the director of revenue of said
23 change, however, no application for a duplicate license is
24 required. A commercial license issued pursuant to this
25 section to an applicant less than twenty-one years of age
26 and seventy years of age and older shall expire on the
27 applicant's birthday in the third year after issuance,
28 unless the license must be issued for a shorter period as
29 determined by the director.

30 3. A commercial driver's license containing a
31 hazardous materials endorsement issued to an applicant who
32 is between the age of twenty-one and sixty-nine shall not be
33 issued for a period exceeding five years from the approval
34 date of the security threat assessment as determined by the
35 Transportation Security Administration.

36 4. The director shall issue a biennial commercial
37 driver's license containing a school bus endorsement to an
38 applicant who is seventy-five years of age or older. The
39 fee for such license shall be seven dollars and fifty cents.

40 5. A commercial driver's license containing a
41 hazardous materials endorsement issued to an applicant who
42 is seventy years of age or older shall not be issued for a
43 period exceeding three years. The director shall not
44 require such drivers to obtain a security threat assessment
45 more frequently than such assessment is required by the
46 Transportation Security Administration under the Uniting and
47 Strengthening America by Providing Appropriate Tools
48 Required to Intercept and Obstruct Terrorism Act (USA
49 PATRIOT ACT) of 2001.

50 (1) The state shall immediately revoke a hazardous
51 materials endorsement upon receipt of an initial
52 determination of threat assessment and immediate revocation
53 from the Transportation Security Administration as defined
54 by 49 CFR 1572.13(a).

55 (2) The state shall revoke or deny a hazardous
56 materials endorsement within fifteen days of receipt of a
57 final determination of threat assessment from the
58 Transportation Security Administration as required by CFR
59 1572.13(a).

60 6. The fee for a commercial driver's license or
61 renewal commercial driver's license issued for a period
62 greater than three years shall be forty dollars.

63 7. The fee for a commercial driver's license or
64 renewal commercial driver's license issued for a period of
65 three years or less shall be twenty dollars.

66 8. The fee for a duplicate commercial driver's license
67 shall be twenty dollars.

68 9. In order for the director to properly transition
69 driver's license requirements under the Motor Carrier Safety
70 Improvement Act of 1999 and the Uniting and Strengthening
71 America by Providing Appropriate Tools Required to Intercept
72 and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, the
73 director is authorized to stagger expiration dates and make
74 adjustments for any fees, including driver examination fees
75 that are incurred by the driver as a result of the initial
76 issuance of a transitional license required to comply with
77 such acts.

78 10. Within thirty days after moving to this state, the
79 holder of a commercial driver's license shall apply for a
80 commercial driver's license in this state. The applicant
81 shall meet all other requirements of sections 302.700 to
82 302.780, except that the director may waive the driving test
83 for a commercial driver's license as required in section
84 302.720 if the applicant for a commercial driver's license
85 has a valid commercial driver's license from a state which
86 has requirements for issuance of such license comparable to
87 those in this state.

88 11. Any person who falsifies any information in an
89 application or test for a commercial driver's license shall
90 not be licensed to operate a commercial motor vehicle, or
91 the person's commercial driver's license shall be cancelled,

92 for a period of one year after the director discovers such
93 falsification.

94 12. Beginning July 1, 2005, the director shall not
95 issue a commercial driver's license under this section
96 unless the director verifies that the applicant is lawfully
97 present in the United States before accepting the
98 application. If lawful presence is granted for a temporary
99 period, no commercial driver's license shall be issued. The
100 director may, by rule or regulation, establish procedures to
101 verify the lawful presence of the applicant and establish
102 the duration of any commercial driver's license issued under
103 this section. No rule or portion of a rule promulgated
104 pursuant to the authority of this section shall become
105 effective unless it has been promulgated pursuant to chapter
106 536.

107 13. (1) Effective December 19, 2005, notwithstanding
108 any provisions of subsections 1 and 5 of this section to the
109 contrary, the director may issue a nondomiciled commercial
110 driver's license or commercial driver's instruction permit
111 to a resident of a foreign jurisdiction if the United States
112 Secretary of Transportation has determined that the
113 commercial motor vehicle testing and licensing standards in
114 the foreign jurisdiction do not meet the testing standards
115 established in 49 CFR 383.

116 (2) Any applicant for a nondomiciled commercial
117 driver's license or commercial driver's instruction permit
118 must present evidence satisfactory to the director that the
119 applicant currently has employment with an employer in this
120 state. The nondomiciled applicant must meet the same
121 testing, driver record requirements, conditions, and is
122 subject to the same disqualification and conviction

123 reporting requirements applicable to resident commercial
124 drivers.

125 (3) The nondomiciled commercial driver's license will
126 expire on the same date that the documents establishing
127 lawful presence for employment expire. The word
128 "nondomiciled" shall appear on the face of the nondomiciled
129 commercial driver's license. Any applicant for a Missouri
130 nondomiciled commercial driver's license or commercial
131 driver's instruction permit must first surrender any
132 nondomiciled commercial driver's license issued by another
133 state.

134 (4) The nondomiciled commercial driver's license
135 applicant must pay the same fees as required for the
136 issuance of a resident commercial driver's license or
137 commercial driver's instruction permit.

138 (5) **A person holding a nondomiciled commercial**
139 **driver's license or commercial driver's instruction permit**
140 **within this state shall also possess a valid work visa and**
141 **provide proof of citizenship to validate his or her identity**
142 **while operating a commercial motor vehicle. Proof of**
143 **citizenship shall be demonstrated through presentation of a**
144 **birth certificate, naturalization certificate, or valid**
145 **passport.**

146 (6) A commercial motor carrier whose driver is found
147 to be in violation of subdivision (5) of this subsection
148 shall be subject to a fine in the amount of three thousand
149 dollars for each violation.

150 (7) A driver found to be in violation of subdivision
151 (5) of this subsection shall be prohibited from operating a
152 commercial motor vehicle within this state until such a time
153 that the driver is able to meet the requirements of such
154 subdivision. Any driver found to be operating a motor

155 vehicle within this state while under such prohibition shall
156 be guilty of a class B misdemeanor and upon conviction shall
157 be subject to a fine not to exceed one thousand dollars or
158 by imprisonment for not more than ninety days, or by both
159 such fine and imprisonment.

160 (8) The commercial motor carrier shall be notified of
161 the location of any commercial motor vehicle involved in a
162 violation of subdivision (5) of this subsection and, upon
163 payment of the fine in full and presentation of a driver who
164 meets all requirements to operate a commercial motor vehicle
165 within this state, shall take possession of the vehicle. If
166 the commercial motor carrier is unable to either pay such
167 fine or present such driver within twelve hours after
168 notification, the owner of any cargo being transported by
169 the commercial motor vehicle shall be notified and allowed
170 to arrange for the transfer of the cargo to another
171 vehicle. Neither the state or the owner of such cargo shall
172 be liable for any reasonable action to transfer such cargo.

173 14. Foreign jurisdiction for purposes of issuing a
174 nondomiciled commercial driver's license or commercial
175 driver's instruction permit under this section shall not
176 include any of the fifty states of the United States or
177 Canada or Mexico.

537.675. 1. As used in sections 537.675 through
2 537.693, the following terms mean:

3 (1) "Annual claims", that period of time commencing on
4 the first day of January of every year after December 31,
5 2002, and ending on the last day of that calendar year;

6 (2) "Commission", the labor and industrial relations
7 commission;

8 (3) "Division", the division of workers' compensation;

9 (4) "Punitive damage final judgment", an award for
10 punitive damages excluding interest that is no longer
11 subject to review by courts of this state or of the United
12 States;

13 (5) "Uncompensated tort victim", a person who:

14 (a) Is a party in a personal injury or wrongful death
15 lawsuit; or is a tort victim whose claim against the tort-
16 feator has been settled for the policy limits of insurance
17 covering the liability of such tort-feator and such policy
18 limits are inadequate in light of the nature and extent of
19 damages due to the personal injury or wrongful death;

20 (b) Unless described in paragraph (a) of this
21 subdivision:

22 a. Has obtained a final monetary judgment in that
23 lawsuit described in paragraph (a) of this subdivision
24 against a tort-feator for personal injuries, or wrongful
25 death in a case in which all appeals are final;

26 b. Has exercised due diligence in enforcing the
27 judgment; and

28 c. Has not collected the full amount of the judgment;

29 (c) Is not a corporation, company, partnership or
30 other incorporated or unincorporated commercial entity;

31 (d) Is not any entity claiming a right of subrogation;

32 (e) Was not on house arrest and was not confined in
33 any federal, state, regional, county or municipal jail,
34 prison or other correctional facility at the time he or she
35 sustained injury from the tort-feator;

36 (f) Has not pleaded guilty to or been found guilty of
37 two or more felonies, where such two or more felonies
38 occurred within ten years of the occurrence of the tort in
39 question, and where either of such felonies involved a
40 controlled substance or an act of violence; [and]

41 (g) Is a resident of the state of Missouri or
42 sustained personal injury or death by a tort which occurred
43 in the state of Missouri; **and**

44 **(h) Is a citizen of the United States, or is a lawful**
45 **permanent resident, or lawfully holds a valid visa issued by**
46 **the United States Department of State at the time of the**
47 **claim for dispensation.**

48 2. There is created the "Tort Victims' Compensation
49 Fund". Unexpended moneys in the fund shall not lapse at the
50 end of the biennium as provided in section 33.080.

51 3. Any party receiving a judgment final for purposes
52 of appeal for punitive damages in any case filed in any
53 division of any circuit court of the state of Missouri shall
54 notify the attorney general of the state of Missouri of such
55 award, except for actions claiming improper health care
56 pursuant to chapter 538. The state of Missouri shall have a
57 lien for deposit into the tort victims' compensation fund to
58 the extent of fifty percent of the punitive damage final
59 judgment which shall attach in any such case after deducting
60 attorney's fees and expenses. In each case, the attorney
61 general shall serve a lien notice by certified mail or
62 registered mail upon the party or parties against whom the
63 state has a claim for collection of its share of a punitive
64 damage final judgment. On a petition filed by the state,
65 the court, on written notice to all interested parties,
66 shall adjudicate the rights of the parties and enforce the
67 lien. The lien shall not be satisfied out of any recovery
68 until the attorney's claim for fees and expenses is paid.
69 The state can file its lien in all cases where punitive
70 damages are awarded upon the entry of the judgment final for
71 purposes of appeal. The state cannot enforce its lien until
72 there is a punitive damage final judgment. Cases resolved

73 by arbitration, mediation or compromise settlement prior to
74 a punitive damage final judgment are exempt from the
75 provisions of this section. Nothing in this section shall
76 hinder or in any way affect the right or ability of the
77 parties to any claim or lawsuit to compromise or settle such
78 claim or litigation on any terms and at any time the parties
79 desire.

80 4. The state of Missouri shall have no interest in or
81 right to intervene at any stage of any judicial proceeding
82 pursuant to this section, except to enforce its lien rights
83 as provided in subsection 3 of this section.

84 5. Twenty-six percent of all payments deposited into
85 the tort victims' compensation fund and all interest
86 accruing on the principal regardless of source or
87 designation shall be transferred to the basic civil legal
88 services fund established in section 477.650. Moneys in the
89 tort victims' compensation fund shall not be used to pay any
90 portion of a refund mandated by Article X, Section 18 of the
91 Constitution.

92 **6. The department of labor and industrial relations**
93 **shall verify compliance with the eligibility requirements of**
94 **any claimant under this section prior to authorizing payment**
95 **from the tort victims' compensation fund, and shall deny any**
96 **claim that fails to meet such requirements.**

537.684. 1. A claim for compensation may be filed by
2 a person eligible for compensation or, if the person is an
3 incapacitated or disabled person, or a minor, by the
4 person's spouse, parent, conservator or guardian.

5 2. A claim shall be filed not later than two years
6 after the judgment upon which it is based becomes final and
7 all appeals are final. If there is no judgment, claims must
8 be filed within time limits prescribed pursuant to section

9 516.120, except for cases resulting in death, in which case
10 claims must be filed within time limits prescribed pursuant
11 to section 537.100.

12 3. Each claim shall be filed in person or by mail.
13 The division shall investigate such claim prior to the
14 opening of formal proceedings. The director of the division
15 shall assign an administrative law judge, associate
16 administrative law judge or legal advisor within the
17 division to hear any claim for compensation filed. The
18 claimant shall be notified of the date and time of any
19 hearing on the claim. In determining the amount of
20 compensation for which a claimant is eligible, the division
21 shall:

22 (1) Consider the facts stated on the application filed
23 pursuant to section 537.678;

24 (2) Obtain a copy of the final judgment, if any, from
25 the appropriate court;

26 (3) Determine the amount of the loss to the claimant,
27 or the victim's survivors or dependents; and

28 (4) If there is no final judgment, determine the
29 degree or extent to which the victim's acts or conduct
30 provoked, incited or contributed to the injuries or death of
31 the victim.

32 4. The claimant may present evidence and testimony on
33 his or her own behalf or may retain counsel. **The**
34 **administrative law judge may, as part of any award entered**
35 **under sections 537.675 to 537.693, determine and allow**
36 **reasonable attorney's fees, which shall not exceed fifteen**
37 **percent of the amount awarded as compensation under sections**
38 **537.675 to 537.693, which fee shall be paid out of, but not**
39 **in addition to, the amount of compensation, to the attorney**
40 **representing the claimant. No attorney for a claimant shall**

41 **ask for, contract for, or receive any larger sum than the**
42 **amount so allowed.**

43 5. Prior to any hearing, the person filing a claim
44 shall submit reports, if available, from all hospitals,
45 physicians or surgeons who treated or examined the victim
46 for the injury for which compensation is sought. If, in the
47 opinion of the division, an examination of the injured
48 victim or a report on the cause of death of the victim would
49 be of material aid, the division may appoint a duly
50 qualified, impartial physician to make an examination and
51 report. A finding of the judge or jury in the underlying
52 case shall be considered as evidence.

53 6. Each and every payment shall be exempt from
54 attachment, garnishment or any other remedy available to
55 creditors for the collection of a debt, provided however,
56 this section shall not in any way affect the right of any
57 attorney who represents or represented any claimant to
58 collect any fee or expenses to which he or she is entitled,
59 **provided that attorney's fees awarded from the filing and**
60 **adjudication of the claim are determined to be just and**
61 **reasonable by the hearing officer and are not to exceed**
62 **fifteen percent of the applicant's payment from the tort**
63 **victims' compensation fund.**

64 7. Payments of compensation shall not be made directly
65 to any person legally incompetent to receive them but shall
66 be made to the parent, guardian or conservator for the
67 benefit of such minor, disabled or incapacitated person.

68 8. For payment of all claims from the fund, the
69 division shall determine the aggregate amount of all awards
70 made on those claims filed during an annual claims period.
71 Such determination shall be made on or before the thirtieth
72 day of June in the next succeeding year. If the aggregate

73 value of the awards does not exceed the total amount of
74 money in the fund, then the awards shall be paid in full on
75 or before the thirtieth day of September in the next
76 succeeding year. If the aggregate value of the awards does
77 exceed the total amount of money in the fund, then the
78 awards shall be paid on a pro rata basis on or before the
79 thirtieth day of September in the next succeeding year.

80 9. If there are no funds available, then no claim
81 shall be paid until funds have accumulated in the tort
82 victims' compensation fund and have been appropriated to the
83 division for payment to uncompensated tort victims. When
84 sufficient funds become available for payment of claims of
85 uncompensated tort victims, awards that have been determined
86 but have not been paid shall be paid in chronological order
87 with the oldest paid first, based upon the date on which the
88 application was filed with the division. Any award pursuant
89 to this subsection that cannot be paid due to a lack of
90 funds appropriated for payment of claims of uncompensated
91 tort victims shall not constitute a claim against the state.

92 10. In the event there are no funds available for
93 payment of claims, then the division may suspend all action
94 related to valuing claims and granting awards until such
95 time as funds in excess of one hundred thousand dollars have
96 accumulated in the tort victims' compensation fund, at which
97 time the division shall resume its claim processing duties.

595.010. 1. As used in sections 595.010 to 595.075,
2 unless the context requires otherwise, the following terms
3 shall mean:

4 (1) "Child", a dependent, unmarried person who is
5 under eighteen years of age and includes a posthumous child,
6 stepchild, or an adopted child;

7 (2) "Claimant", a victim or a dependent, relative,
8 survivor, or member of the family, of a victim eligible for
9 compensation pursuant to sections 595.010 to 595.075;

10 (3) "Conservator", a person or corporation appointed
11 by a court to have the care and custody of the estate of a
12 minor or a disabled person, including a limited conservator;

13 (4) "Counseling", problem-solving and support
14 concerning emotional issues that result from criminal
15 victimization licensed pursuant to section 595.030.
16 Counseling is a confidential service provided either on an
17 individual basis or in a group. Counseling has as a primary
18 purpose to enhance, protect and restore a person's sense of
19 well-being and social functioning after victimization.

20 Counseling does not include victim advocacy services such as
21 crisis telephone counseling, attendance at medical
22 procedures, law enforcement interviews or criminal justice
23 proceedings;

24 (5) "Crime", an act committed in this state which,
25 regardless of whether it is adjudicated, involves the
26 application of force or violence or the threat of force or
27 violence by the offender upon the victim but shall include
28 the crime of driving while intoxicated, vehicular
29 manslaughter and hit and run; and provided, further, that no
30 act involving the operation of a motor vehicle except
31 driving while intoxicated, vehicular manslaughter and hit
32 and run which results in injury to another shall constitute
33 a crime for the purpose of sections 595.010 to 595.075,
34 unless such injury was intentionally inflicted through the
35 use of a motor vehicle. A crime shall also include an act
36 of terrorism, as defined in 18 U.S.C. Section 2331, which
37 has been committed outside of the United States against a
38 resident of Missouri;

- 39 (6) "Crisis intervention counseling", helping to
40 reduce psychological trauma where victimization occurs;
- 41 (7) "Department", the department of public safety;
- 42 (8) "Dependent", mother, father, spouse, spouse's
43 mother, spouse's father, child, grandchild, adopted child,
44 illegitimate child, niece or nephew, who is wholly or
45 partially dependent for support upon, and living with, but
46 shall include children entitled to child support but not
47 living with, the victim at the time of his injury or death
48 due to a crime alleged in a claim pursuant to sections
49 595.010 to 595.075;
- 50 (9) "Direct service", providing physical services to a
51 victim of crime including, but not limited to,
52 transportation, funeral arrangements, child care, emergency
53 food, clothing, shelter, notification and information;
- 54 (10) "Director", the director of public safety of this
55 state or a person designated by him for the purposes of
56 sections 595.010 to 595.075;
- 57 (11) "Disabled person", one who is unable by reason of
58 any physical or mental condition to receive and evaluate
59 information or to communicate decisions to such an extent
60 that the person lacks ability to manage his financial
61 resources, including a partially disabled person who lacks
62 the ability, in part, to manage his financial resources;
- 63 (12) ["Emergency service", those services provided to
64 alleviate the immediate effects of the criminal act or
65 offense, and may include cash grants of not more than one
66 hundred dollars;
- 67 (13)] "Earnings", net income or net wages;
- 68 (13) "Eligible injured victim", a person who, at the
69 time of application for compensation from the crime victims'
70 compensation fund, is:

71 (a) A citizen of the United States, a lawful permanent
72 resident, or a person lawfully present in the United States
73 under a valid visa issued by the United States Department of
74 State; and

75 (b) Killed or suffers personal physical injury in this
76 state as a result of:

77 a. The commission or attempted commission of any crime
78 by another person;

79 b. A good-faith attempt to assist a person against
80 whom a crime is being committed or attempted; or

81 c. Assisting a law enforcement officer in the
82 apprehension of a person the officer has reason to believe
83 has committed or attempted to commit a crime;

84 (14) "Emergency service", those services provided to
85 alleviate the immediate effects of the criminal act or
86 offense, and may include cash grants of not more than one
87 hundred dollars;

88 [(14)] (15) "Family", the spouse, parent, grandparent,
89 stepmother, stepfather, child, grandchild, brother, sister,
90 half brother, half sister, adopted children of parent, or
91 spouse's parents;

92 [(15)] (16) "Funeral expenses", the expenses of the
93 funeral, burial, cremation or other chosen method of
94 interment, including plot or tomb and other necessary
95 incidents to the disposition of the remains;

96 [(16)] (17) "Gainful employment", engaging on a
97 regular and continuous basis, up to the date of the incident
98 upon which the claim is based, in a lawful activity from
99 which a person derives a livelihood;

100 [(17)] (18) "Guardian", one appointed by a court to
101 have the care and custody of the person of a minor or of an
102 incapacitated person, including a limited guardian;

103 [(18)] (19) "Hit and run", the crime of leaving the
104 scene of a motor vehicle accident as defined in section
105 577.060;

106 [(19)] (20) "Incapacitated person", one who is unable
107 by reason of any physical or mental condition to receive and
108 evaluate information or to communicate decisions to such an
109 extent that he lacks capacity to meet essential requirements
110 for food, clothing, shelter, safety or other care such that
111 serious physical injury, illness, or disease is likely to
112 occur, including a partially incapacitated person who lacks
113 the capacity to meet, in part, such essential requirements;

114 [(20)] (21) "Injured victim", a person:

115 (a) Killed or receiving a personal physical injury in
116 this state as a result of another person's commission of or
117 attempt to commit any crime;

118 (b) Killed or receiving a personal physical injury in
119 this state while in a good faith attempt to assist a person
120 against whom a crime is being perpetrated or attempted;

121 (c) Killed or receiving a personal physical injury in
122 this state while assisting a law enforcement officer in the
123 apprehension of a person who the officer has reason to
124 believe has perpetrated or attempted a crime;

125 [(21)] (22) "Law enforcement official", a sheriff and
126 his regular deputies, municipal police officer or member of
127 the Missouri state highway patrol and such other persons as
128 may be designated by law as peace officers;

129 [(22)] (23) "Offender", a person who commits a crime;

130 [(23)] (24) "Personal injury", physical, emotional, or
131 mental harm or trauma resulting from the crime upon which
132 the claim is based;

133 [(24)] (25) "Private agency", a not-for-profit
134 corporation, in good standing in this state, which provides
135 services to victims of crime and their dependents;

136 [(25)] (26) "Public agency", a part of any local or
137 state government organization which provides services to
138 victims of crime;

139 [(26)] (27) "Relative", the spouse of the victim or a
140 person related to the victim within the third degree of
141 consanguinity or affinity as calculated according to civil
142 law;

143 [(27)] (28) "Survivor", the spouse, parent, legal
144 guardian, grandparent, sibling or child of the deceased
145 victim of the victim's household at the time of the crime;

146 [(28)] (29) "Victim", a person who suffers personal
147 injury or death as a direct result of a crime, as defined in
148 subdivision (5) of this subsection;

149 [(29)] (30) "Victim advocacy", assisting the victim of
150 a crime and his dependents to acquire services from existing
151 community resources.

152 2. As used in sections 595.010 to 595.075, the term
153 "alcohol-related traffic offense" means those offenses
154 defined by sections 577.001, 577.010, and 577.012, and any
155 county or municipal ordinance which prohibits operation of a
156 motor vehicle while under the influence of alcohol.

595.040. 1. Acceptance of any compensation under
2 sections 595.010 to 595.075 shall subrogate this state, to
3 the extent of such compensation paid, to any right or right
4 of action accruing to the claimant or to the victim to
5 recover payments on account of losses resulting from the
6 crime with respect to which the compensation has been paid.
7 The attorney general may enforce the subrogation, and he
8 shall bring suit to recover from any person to whom

9 compensation is paid, to the extent of the compensation
10 actually paid under sections 595.010 to 595.075, any amount
11 received by the claimant from any source exceeding the
12 actual loss to the victim.

13 2. The department shall have a lien on any
14 compensation received by the claimant, in addition to
15 compensation received under provisions of sections 595.010
16 to 595.075, for injuries or death resulting from the
17 incident upon which the claim is based. The claimant shall
18 retain, as trustee for the department, so much of the
19 recovered funds as necessary to reimburse the Missouri crime
20 victims' compensation fund to the extent that compensation
21 was awarded to the claimant from that fund.

22 3. If a claimant initiates any legal proceeding to
23 recover restitution or damages related to the crime upon
24 which the claim is based, or if the claimant enters into
25 negotiations to receive any proceeds in settlement of a
26 claim for restitution or damages related to the crime, the
27 claimant shall give the department written notice within
28 fifteen days of the filing of the action or entering into
29 negotiations. The department may intervene in the
30 proceeding of a complainant to recover the compensation
31 awarded. If a claimant fails to give such written notice to
32 the department within the stated time period, or prior to
33 any attempt by claimant to reach a negotiated settlement of
34 claims for recovery of damages related to the crime upon
35 which the claim is based, the department's right of
36 subrogation to receive or recover funds from claimant, to
37 the extent that compensation was awarded by the department,
38 shall not be reduced in any amount or percentage by the
39 costs incurred by claimant attributable to such legal
40 proceedings or settlement, including, but not limited to,

41 attorney's fees, investigative cost or cost of court. If
42 such notice is given, [attorney] attorney's fees may be
43 awarded in an amount not to exceed [fifteen] ten percent of
44 the amount subrogated to the department.

45 4. Whenever compensation is awarded to a claimant who
46 is entitled to restitution from a criminal defendant, the
47 department may initiate restitution hearings in such
48 criminal proceedings or intervene in the same. The
49 department shall be entitled to receive restitution in such
50 proceedings to the extent compensation was awarded;
51 provided, however, the department shall be exempt from the
52 payment of any fees or other charges for the recording of
53 restitution orders in the offices of the judges of probate.
54 The claimant shall notify this department when restitution
55 is ordered. Failure to notify the department will result in
56 possible forfeiture of any amount already received from the
57 department.

58 5. Whenever the department shall deem it necessary to
59 protect, maintain or enforce the department's right to
60 subrogation or to exercise any of its powers or to carry out
61 any of its duties or responsibilities, the attorney general
62 may initiate legal proceedings or intervene in legal
63 proceedings as the department's legal representative.

595.045. 1. There is established in the state
2 treasury the "Crime Victims' Compensation Fund". A
3 surcharge of seven dollars and fifty cents shall be assessed
4 as costs in each court proceeding filed in any court in the
5 state in all criminal cases including violations of any
6 county ordinance or any violation of criminal or traffic
7 laws of the state, including an infraction and violation of
8 a municipal ordinance; except that no such fee shall be
9 collected in any proceeding in any court when the proceeding

10 or the defendant has been dismissed by the court or when
11 costs are to be paid by the state, county, or municipality.
12 A surcharge of seven dollars and fifty cents shall be
13 assessed as costs in a juvenile court proceeding in which a
14 child is found by the court to come within the applicable
15 provisions of subdivision (3) of subsection 1 of section
16 211.031.

17 2. Notwithstanding any other provision of law to the
18 contrary, the moneys collected by clerks of the courts
19 pursuant to the provisions of subsection 1 of this section
20 shall be collected and disbursed in accordance with sections
21 488.010 to 488.020 and shall be payable to the director of
22 the department of revenue.

23 3. The director of revenue shall deposit annually the
24 amount of two hundred fifty thousand dollars to the state
25 forensic laboratory account administered by the department
26 of public safety to provide financial assistance to defray
27 expenses of crime laboratories if such analytical
28 laboratories are registered with the federal Drug
29 Enforcement Agency or the Missouri department of health and
30 senior services. Subject to appropriations made therefor,
31 such funds shall be distributed by the department of public
32 safety to the crime laboratories serving the courts of this
33 state making analysis of a controlled substance or analysis
34 of blood, breath or urine in relation to a court proceeding.

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

42 system. Additional remaining funds shall be subject to the
43 following provisions:

44 (1) On the first of every month, the director of
45 revenue or the director's designee shall determine the
46 balance of the funds in the crime victims' compensation fund
47 available to satisfy the amount of compensation payable
48 pursuant to sections 595.010 to 595.075, excluding sections
49 595.050 and 595.055;

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

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

61 6. The moneys collected by clerks of municipal courts
62 pursuant to subsection 1 of this section shall be collected
63 and disbursed as provided by sections 488.010 to 488.020.
64 Five percent of such moneys shall be payable to the city
65 treasury of the city from which such funds were collected.
66 The remaining ninety-five percent of such moneys shall be
67 payable to the director of revenue. The funds received by
68 the director of revenue pursuant to this subsection shall be
69 distributed as follows:

70 (1) On the first of every month, the director of
71 revenue or the director's designee shall determine the
72 balance of the funds in the crime victims' compensation fund
73 available to satisfy the amount of compensation payable

74 pursuant to sections 595.010 to 595.075, excluding sections
75 595.050 and 595.055;

76 (2) [Beginning on September 1, 2004, and] On the first
77 of each month the director of revenue or the director's
78 designee shall deposit fifty percent of the balance of funds
79 available to the credit of the crime victims' compensation
80 fund and fifty percent to the services to victims' fund
81 established in section 595.100.

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

86 8. In addition to the moneys collected pursuant to
87 subsection 1 of this section, the court shall enter a
88 judgment in favor of the state of Missouri, payable to the
89 crime victims' compensation fund, of sixty-eight dollars
90 upon a plea of guilty or a finding of guilt for a class A or
91 B felony; forty-six dollars upon a plea of guilty or finding
92 of guilt for a class C, D, or E felony; and ten dollars upon
93 a plea of guilty or a finding of guilt for any misdemeanor
94 under Missouri law except for those in chapter 252 relating
95 to fish and game, chapter 302 relating to drivers' and
96 commercial drivers' license, chapter 303 relating to motor
97 vehicle financial responsibility, chapter 304 relating to
98 traffic regulations, chapter 306 relating to watercraft
99 regulation and licensing, and chapter 307 relating to
100 vehicle equipment regulations. Any clerk of the court
101 receiving moneys pursuant to such judgments shall collect
102 and disburse such crime victims' compensation judgments in
103 the manner provided by sections 488.010 to 488.020. Such
104 funds shall be payable to the state treasury and deposited
105 to the credit of the crime victims' compensation fund.

106 9. The clerk of the court processing such funds shall
107 maintain records of all dispositions described in subsection
108 1 of this section and all dispositions where a judgment has
109 been entered against a defendant in favor of the state of
110 Missouri in accordance with this section; all payments made
111 on judgments for alcohol-related traffic offenses; and any
112 judgment or portion of a judgment entered but not
113 collected. These records shall be subject to audit by the
114 state auditor. The clerk of each court transmitting such
115 funds shall report separately the amount of dollars
116 collected on judgments entered for alcohol-related traffic
117 offenses from other crime victims' compensation collections
118 or services to victims collections.

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

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

128 12. All awards made to **eligible** injured victims under
129 sections 595.010 to 595.105 and all appropriations for
130 administration of sections 595.010 to 595.105, except
131 sections 595.050 and 595.055, shall be made from the crime
132 victims' compensation fund. Any unexpended balance
133 remaining in the crime victims' compensation fund at the end
134 of each biennium shall not be subject to the provision of
135 section 33.080 requiring the transfer of such unexpended
136 balance to the ordinary revenue fund of the state, but shall
137 remain in the crime victims' compensation fund. In the

138 event that there are insufficient funds in the crime
139 victims' compensation fund to pay all claims in full, all
140 claims shall be paid on a pro rata basis. If there are no
141 funds in the crime victims' compensation fund, then no claim
142 shall be paid until funds have again accumulated in the
143 crime victims' compensation fund. When sufficient funds
144 become available from the fund, awards which have not been
145 paid shall be paid in chronological order with the oldest
146 paid first. In the event an award was to be paid in
147 installments and some remaining installments have not been
148 paid due to a lack of funds, then when funds do become
149 available that award shall be paid in full. All such awards
150 on which installments remain due shall be paid in full in
151 chronological order before any other postdated award shall
152 be paid. Any award pursuant to this subsection is
153 specifically not a claim against the state, if it cannot be
154 paid due to a lack of funds in the crime victims'
155 compensation fund.

156 13. When judgment is entered against a defendant as
157 provided in this section and such sum, or any part thereof,
158 remains unpaid, there shall be withheld from any
159 disbursement, payment, benefit, compensation, salary, or
160 other transfer of money from the state of Missouri to such
161 defendant an amount equal to the unpaid amount of such
162 judgment. Such amount shall be paid forthwith to the crime
163 victims' compensation fund and satisfaction of such judgment
164 shall be entered on the court record. Under no
165 circumstances shall the general revenue fund be used to
166 reimburse court costs or pay for such judgment. The
167 director of the department of corrections shall have the
168 authority to pay into the crime victims' compensation fund
169 from an offender's compensation or account the amount owed

170 by the offender to the crime victims' compensation fund,
171 provided that the offender has failed to pay the amount owed
172 to the fund prior to entering a correctional facility of the
173 department of corrections.

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

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

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

186 **17. The department of public safety shall verify**
187 **compliance with the eligibility requirements of any claimant**
188 **purporting to be an eligible injured victim under this**
189 **section prior to authorizing payment from the crime victims'**
190 **compensation fund, and shall deny any claim that fails to**
191 **meet such requirements.**

✓