

SECOND REGULAR SESSION

SENATE BILL NO. 770

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS MAYER AND CROWELL.

Pre-filed December 20, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3781S.011

AN ACT

To repeal section 50.565, RSMo, and to enact in lieu thereof one new section relating to the county law enforcement restitution fund, with penalty provisions.

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

Section A. Section 50.565, RSMo, is repealed and one new section enacted
2 in lieu thereof, to be known as section 50.565, to read as follows:

50.565. 1. A county commission may establish by ordinance or order a
2 fund whose proceeds may be expended only for the purposes provided for in
3 subsection 3 of this section. The fund shall be designated as a county law
4 enforcement restitution fund and shall be under the supervision of a board of
5 trustees consisting of two citizens of the county appointed by the presiding
6 commissioner of the county, two citizens of the county appointed by the sheriff of
7 the county, and one citizen of the county appointed by the county coroner or
8 medical examiner. The citizens so appointed shall not be current or former
9 employees of the sheriff's department, the office of the prosecuting attorney for
10 the county, or the county treasurer's office. If a county does not have a coroner
11 or medical examiner, the county treasurer shall appoint one citizen to the board
12 of trustees.

13 2. Money from the county law enforcement restitution fund shall only be
14 expended upon the approval of a majority of the members of the county law
15 enforcement restitution fund's board of trustees and only for the purposes
16 provided for by subsection 3 of this section.

17 3. Money from the county law enforcement restitution fund shall only be
18 expended for the following purposes:

19 (1) Narcotics investigation, prevention, and intervention;

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

20 (2) Purchase of law enforcement-related equipment and supplies for the
21 sheriff's office;

22 (3) Matching funds for federal or state law enforcement grants;

23 (4) Funding for the reporting of all state and federal crime statistics or
24 information; and

25 (5) Any law enforcement-related expense, including those of the
26 prosecuting attorney, approved by the board of trustees for the county law
27 enforcement restitution fund that is reasonably related to investigation, charging,
28 preparation, trial, and disposition of criminal cases before the courts of the state
29 of Missouri.

30 4. The county commission may not reduce any law enforcement agency's
31 budget as a result of funds the law enforcement agency receives from the county
32 law enforcement restitution fund. The restitution fund is to be used only as a
33 supplement to the law enforcement agency's funding received from other county,
34 state, or federal funds.

35 5. County law enforcement restitution funds shall be audited as are all
36 other county funds.

37 6. No court may order the assessment and payment authorized by this
38 section if the plea of guilty or the finding of guilt is to [the charge of speeding,
39 careless and imprudent driving, any charge of violating a traffic control signal or
40 sign, or] any charge which is a class C misdemeanor or an infraction, **unless**
41 **such charge is for a moving violation, as defined by section 302.010,**
42 **RSMo.** No assessment and payment ordered pursuant to this section may exceed
43 three hundred dollars for any charged offense, **unless the assessment and**
44 **payment ordered is for a moving violation, in which case, it may not**
45 **exceed one hundred dollars.**

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