

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILLS NOS. 1185, 1163, 1174, 1200 & 1225

93RD GENERAL ASSEMBLY

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Reported from the Committee on Governmental Accountability and Fiscal Oversight, April 6, 2006, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bills Nos. 1185, 1163, 1174, 1200 and 1225, adopted April 18, 2006.

Taken up for Perfection April 18, 2006. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

5418S.04P

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## AN ACT

To repeal sections 42.014, 42.015, 44.020, 44.024, 44.237, 135.550, 192.510, 287.717, 306.114, 306.117, 384.025, 384.051, 384.062, 577.020, 577.026, 577.037, 577.208, 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.036, 595.037, 595.040, 595.045, and 595.060, RSMo, and to enact in lieu thereof thirty new sections relating to the transfer of duties between certain state agencies, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 42.014, 42.015, 44.020, 44.024, 44.237, 135.550, 192.510, 287.717, 306.114, 306.117, 384.025, 384.051, 384.062, 577.020, 577.026, 577.037, 577.208, 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.036, 595.037, 595.040, 595.045, and 595.060, RSMo, are repealed and thirty new sections enacted in lieu thereof, to be known as sections 42.014, 42.015, 44.020, 44.024, 44.237, 135.550, 192.510, 287.717, 306.114, 306.117, 384.025, 384.051, 384.062, 577.020, 577.026, 577.037, 577.208, 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.036, 595.037, 595.040, 595.045, 595.060, and 621.060, to read as follows:

42.014. 1. The Missouri general assembly shall, through appropriations

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

2 as provided by law, encourage the development of any veterans' programs  
3 approved by the executive director of the veterans' commission whereby the  
4 historical significance of veteran service can be dedicated to [outreach and]  
5 education inside public schools, veteran cemeteries, veteran homes, and other  
6 institutions as determined by rule and regulation.

7         2. The [executive director of the veterans' commission] **lieutenant**  
8 **governor** shall administer the provisions of this section and may adopt all rules  
9 and regulations necessary to administer the provisions of this section. Any rule  
10 or portion of a rule, as that term is defined in section 536.010, RSMo, that is  
11 created under the authority delegated in this section shall become effective only  
12 if it complies with and is subject to all of the provisions of chapter 536, RSMo,  
13 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo,  
14 are nonseverable and if any of the powers vested with the general assembly  
15 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to  
16 disapprove and annul a rule are subsequently held unconstitutional, then the  
17 grant of rulemaking authority and any rule proposed or adopted after August 28,  
18 2004, shall be invalid and void.

19         3. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

20             (1) The provisions of the new program authorized under this section shall  
21 automatically sunset six years after August 28, 2004, unless reauthorized by an  
22 act of the general assembly; and

23             (2) If such program is reauthorized, the program authorized under this  
24 section shall automatically sunset twelve years after the effective date of the  
25 reauthorization of this section; and

26             (3) This section shall terminate on September first of the calendar year  
27 immediately following the calendar year in which the program authorized under  
28 this section is sunset.

42.015. 1. In order to contribute to the preservation of freedom, there is  
2 established in the state treasury a special trust fund, to be known as the  
3 "Veterans' Historical Education Trust Fund". The fund shall be administered by  
4 the [commission] **lieutenant governor** for the sole purpose of financing  
5 veterans' [outreach and] education programs established in section 42.014.

6         2. The director of revenue shall deposit in the treasury to the credit of the  
7 veterans' historical education trust fund all amounts received by or designated  
8 to the fund established pursuant to this section and any other amounts which  
9 may be received from grants, gifts, bequests, appropriations, the federal

10 government, or other sources granted or given for this specific purpose. The state  
11 treasurer shall invest moneys in the veterans' historical education trust fund in  
12 the same manner as surplus state funds are invested pursuant to section 30.260,  
13 RSMo. All earnings resulting from the investment of moneys in the veterans'  
14 historical education trust fund shall be credited to the veterans' historical  
15 education trust fund.

16 3. As established by this section, funds appropriated by the general  
17 assembly from the veterans' historical education trust fund shall only be used by  
18 the [commission] **lieutenant governor** for purposes authorized pursuant to  
19 section 42.014 and shall not be used to supplant any existing program or service.

20 4. The provisions of section 33.080, RSMo, requiring all unexpended  
21 balances remaining in various state funds to be transferred and placed to the  
22 credit of the general revenue fund of this state at the end of each biennium shall  
23 not apply to the veterans' historical education trust fund.

44.020. There is hereby created within the [military division of the  
2 executive department, office of the adjutant general] **department of public**  
3 **safety**, the "State Emergency Management Agency", for the general purpose of  
4 assisting in coordination of national, state and local activities related to  
5 emergency functions by coordinating response, recovery, planning and  
6 mitigation. This agency shall also serve as the statewide coordinator for  
7 activities associated with the National Flood Insurance Program.

44.024. The [adjutant general, subject to the direction and control of the  
2 governor,] **director of the department of public safety** shall be the executive  
3 head of the office of the state emergency management agency **and shall appoint**  
4 **a director of the state emergency management agency to manage the**  
5 **day-to-day operations of the office.**

44.237. 1. In addition to its responsibilities listed in sections 44.225 to  
2 44.237, the commission shall undertake a study to determine the feasibility of  
3 establishing a comprehensive program of earthquake hazard reduction having as  
4 its purposes the saving of lives and mitigating damage to property in Missouri.

5 2. The study shall accomplish the following tasks:

6 (1) Earthquake hazard reduction. The study shall develop a  
7 comprehensive program for the reduction of earthquake hazards in Missouri. It  
8 shall include, but not necessarily be limited to, the following:

9 (a) A review of and recommendations for improving the development and  
10 implementation of technically and economically feasible codes, standards and

11 procedures for the design and construction of new structures and the  
12 strengthening of existing structures so as to increase the earthquake resistance  
13 of structures located in areas of significant seismic hazard;

14 (b) A review of current methods and recommendations for new methods  
15 to improve the development, publication and promotion, in conjunction with local  
16 officials, research organizations and professional organizations, of model codes  
17 and other means to provide better information about seismic hazards to guide  
18 land-use policy decisions and building activity;

19 (c) A review of and recommendations for methods, practices and  
20 procedures to educate the public, including local officials, about the nature and  
21 consequences of earthquakes, about procedures for identifying those locations and  
22 structures especially susceptible to earthquake damage and about ways to reduce  
23 and mitigate the adverse effects of an earthquake;

24 (d) A review of and recommendations for programs and techniques to  
25 improve preparedness for and response to damaging earthquakes with special  
26 attention being given to hazard control measures, pre-earthquake emergency  
27 planning, readiness of emergency services and planning for post-earthquake  
28 reconstruction and redevelopment.

29 (2) Implementation processes. With respect to implementation of  
30 earthquake hazard reduction, the study shall include the following:

31 (a) Recommendations for new roles, responsibilities and programs for  
32 state and local agencies, universities, private organizations and volunteer  
33 organizations, including goals, priorities and expenditures of future state funds  
34 specifically identified for the recommended hazards reduction program;

35 (b) Recommendations for methods and procedures to disseminate and  
36 implement basic and applied earthquake research in order to achieve higher  
37 levels of seismic safety.

38 (3) Coordination with other agencies. To the extent it is practical to do  
39 so, the study required by this section shall be coordinated with the relevant local,  
40 regional and federal government agencies, key elements of the private sector, and  
41 at least the following state agencies: state emergency management agency,  
42 division of geology and land survey, division of design and construction, Missouri  
43 housing development commission, department of natural resources, department  
44 of labor and industrial relations, public service commission, department of health  
45 and senior services, office of the state fire marshal, department of transportation,  
46 department of revenue, [office of the adjutant general] **department of public**

47 **safety**, department of insurance, and the department of elementary and  
48 secondary education.

49 3. The study shall include recommendations for statutory changes and  
50 specific executive actions to be taken by state and local agencies necessary to  
51 establish and implement an earthquake hazards reduction program for the state  
52 of Missouri.

53 4. The commission shall submit the study to the general assembly by June  
54 30, 1997, or earlier at its discretion.

135.550. 1. As used in this section, the following terms shall mean:

2 (1) "Contribution", a donation of cash, stock, bonds or other marketable  
3 securities, or real property;

4 (2) "Shelter for victims of domestic violence", a facility located in this state  
5 which meets the definition of a shelter for victims of domestic violence pursuant  
6 to section 455.200, RSMo, and which meets the requirements of section 455.220,  
7 RSMo;

8 (3) "State tax liability", in the case of a business taxpayer, any liability  
9 incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo,  
10 chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the  
11 provisions relating to the withholding of tax as provided for in sections 143.191  
12 to 143.265, RSMo, and related provisions, and in the case of an individual  
13 taxpayer, any liability incurred by such taxpayer pursuant to the provisions of  
14 chapter 143, RSMo;

15 (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a  
16 shareholder in an S corporation doing business in the state of Missouri and  
17 subject to the state income tax imposed by the provisions of chapter 143, RSMo,  
18 or a corporation subject to the annual corporation franchise tax imposed by the  
19 provisions of chapter 147, RSMo, or an insurance company paying an annual tax  
20 on its gross premium receipts in this state, or other financial institution paying  
21 taxes to the state of Missouri or any political subdivision of this state pursuant  
22 to the provisions of chapter 148, RSMo, or an express company which pays an  
23 annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or  
24 an individual subject to the state income tax imposed by the provisions of chapter  
25 143, RSMo.

26 2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's  
27 state tax liability, in an amount equal to fifty percent of the amount such  
28 taxpayer contributed to a shelter for victims of domestic violence.

29           3. The amount of the tax credit claimed shall not exceed the amount of the  
30 taxpayer's state tax liability for the taxable year that the credit is claimed, and  
31 such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand  
32 dollars per taxable year. However, any tax credit that cannot be claimed in the  
33 taxable year the contribution was made may be carried over to the next four  
34 succeeding taxable years until the full credit has been claimed.

35           4. Except for any excess credit which is carried over pursuant to  
36 subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit  
37 unless the total amount of such taxpayer's contribution or contributions to a  
38 shelter or shelters for victims of domestic violence in such taxpayer's taxable year  
39 has a value of at least one hundred dollars.

40           5. The director of [public safety] **the department of social services**  
41 shall determine, at least annually, which facilities in this state may be classified  
42 as shelters for victims of domestic violence. The director of [public safety] **the**  
43 **department of social services** may require of a facility seeking to be classified  
44 as a shelter for victims of domestic violence whatever information is reasonably  
45 necessary to make such a determination. The director of [public safety] **the**  
46 **department of social services** shall classify a facility as a shelter for victims  
47 of domestic violence if such facility meets the definition set forth in subsection 1  
48 of this section.

49           6. The director of [public safety] **the department of social services**  
50 shall establish a procedure by which a taxpayer can determine if a facility has  
51 been classified as a shelter for victims of domestic violence, and by which such  
52 taxpayer can then contribute to such shelter for victims of domestic violence and  
53 claim a tax credit. Shelters for victims of domestic violence shall be permitted to  
54 decline a contribution from a taxpayer. The cumulative amount of tax credits  
55 which may be claimed by all the taxpayers contributing to shelters for victims of  
56 domestic violence in any one fiscal year shall not exceed two million dollars.

57           7. The director of [public safety] **the department of social services**  
58 shall establish a procedure by which, from the beginning of the fiscal year until  
59 some point in time later in the fiscal year to be determined by the director of  
60 [public safety] **the department of social services**, the cumulative amount of  
61 tax credits are equally apportioned among all facilities classified as shelters for  
62 victims of domestic violence. If a shelter for victims of domestic violence fails to  
63 use all, or some percentage to be determined by the director of [public safety] **the**  
64 **department of social services**, of its apportioned tax credits during this

65 predetermined period of time, the director of [public safety] **the department of**  
66 **social services** may reapportion these unused tax credits to those shelters for  
67 victims of domestic violence that have used all, or some percentage to be  
68 determined by the director of [public safety] **the department of social**  
69 **services**, of their apportioned tax credits during this predetermined period of  
70 time. The director of [public safety] **the department of social services** may  
71 establish more than one period of time and reapportion more than once during  
72 each fiscal year. To the maximum extent possible, the director of [public safety]  
73 **the department of social services** shall establish the procedure described in  
74 this subsection in such a manner as to ensure that taxpayers can claim all the tax  
75 credits possible up to the cumulative amount of tax credits available for the fiscal  
76 year.

77 8. This section shall become effective January 1, 2000, and shall apply to  
78 all tax years after December 31, 1999.

192.510. The department of health and senior services shall respond to  
2 all radiation emergencies. The department shall coordinate its radiation  
3 emergency response activities and plans with the state emergency management  
4 agency, the department of natural resources and other agencies, and provide a  
5 memorandum of agreement documenting responsibilities. This section does not  
6 in any way alter or change the provisions of chapter 44, RSMo, concerning  
7 response during an emergency by the [office of the adjutant general]  
8 **department of public safety** or its successor agency.

287.717. 1. Beginning January 1, 2004, the administrative surcharge  
2 established pursuant to section 287.716 shall be collected from deductible plan  
3 policyholders by each insurer at the same time and in the same manner that the  
4 premium is collected, but no insurer or its agent shall be entitled to any portion  
5 of the administrative surcharge as a fee or commission for its collection. The  
6 administrative surcharge is not subject to any taxes, licenses, or fees.

7 2. All administrative surcharges imposed pursuant to section 287.716  
8 shall be paid to the Missouri director of revenue and shall be deposited to the  
9 workers' compensation administrative fund.

10 3. [The amount of the administrative surcharge due for the current  
11 calendar year shall be paid in four approximately equal estimated quarterly  
12 installments, and a fifth reconciling installment. The first four installments shall  
13 be based upon the amount of administrative surcharge payable in the calendar  
14 year for which the surcharge is imposed. The quarterly installments shall be

15 made on the first day of March, the first day of June, the first day of September,  
16 and the first day of December. On or before the first day of March of each year,  
17 every such insurer shall submit a report, verified by the affidavit of its president  
18 and secretary or other chief officers or agents, to the director of the department  
19 of insurance, stating the amount of all such total premiums which would have  
20 been paid for the deductible portion.

21 4. If after the end of any calendar year, the amount of the actual  
22 administrative surcharge due is less than the total amount of the installments  
23 actually paid, the amount by which the amount paid exceeds the amount due  
24 shall only be credited against the administrative surcharge for the following year  
25 and deducted from the quarterly installment due on June first and any other  
26 payments required by this section until the credit is exhausted. In the event no  
27 such payments are due and upon application of the insurer, the director of  
28 revenue may refund the amount of credit if no other obligation is owed to the  
29 state.

30 **5.] Such surcharge amounts shall be paid quarterly by**  
31 **insurers. Insurers shall pay the amounts not later than the thirtieth**  
32 **day of the month following the end of the quarter in which the amount**  
33 **is received from policyholders. The administrative surcharge amounts**  
34 **shall be deemed paid to the state if they are postmarked by the United**  
35 **States post office or received by the thirtieth day of the month**  
36 **following the end of the quarter in which the amount is owed. If the**  
37 **director of the division of workers' compensation fails to calculate the**  
38 **surcharge by the thirty-first day of October of any year for the**  
39 **following year, any increase in the surcharge ultimately set by the**  
40 **director shall not be effective for any calendar quarter beginning less**  
41 **than sixty days from the date the director makes such determination.**

42 4. If a deductible plan policyholder fails to make payment of the  
43 administrative surcharge, or an insurer fails to make timely transfer to the  
44 director of revenue of administrative surcharges actually collected from deductible  
45 plan policyholders, as required by this section, a late charge of one-half of one  
46 percent of the administrative surcharge unpaid, or transferred, shall be assessed  
47 against the liable deductible plan policyholder or insurer. Late charges assessed  
48 pursuant to this subsection shall be collected in a civil action by a summary  
49 proceeding brought by the director of the division of workers' compensation.

50 **[6.] 5. If the administrative surcharges imposed by this section are not**



51 paid when due, the deductible plan policyholder or insurer shall be required to  
52 pay, as part of such administrative surcharge, interest thereon at the rate of one  
53 and one-half percent per month for each month or fraction thereof delinquent. In  
54 the event the state prevails in any dispute concerning an assessment of the  
55 administrative surcharge, which has not been paid by the policyholder or insurer,  
56 interest shall be paid upon the amount found due to the state at the rate of one  
57 and one-half percent per month for each month or fraction thereof delinquent.

58 **6. On or before the first day of March of each year such insurer**  
59 **shall submit a report, verified by the affidavit of its president and**  
60 **secretary or other chief officers or agents, to the director of the**  
61 **division of workers' compensation, stating the amount of all such total**  
62 **premiums that would have been paid for the deductible policies during**  
63 **the prior calendar year.**

64 7. The division may authorize electronic transfer of all forms, reports,  
65 payments, and other information deemed appropriate by the division as required  
66 pursuant to this section and sections 287.690, 287.710, 287.715, and  
67 287.716. Information filed pursuant to this section and sections 287.690, 287.710,  
68 287.715, and 287.716 and under any rules promulgated by the division pursuant  
69 to this section and sections 287.690, 287.710, 287.715, and 287.716 shall be  
70 confidential and not subject to chapter 610, RSMo.

71 8. This section shall not apply to any employer or group of employers  
72 authorized by the division to self-insure their liability pursuant to this chapter.

306.114. 1. No person convicted of or pleading guilty to a violation of  
2 section 306.111 or 306.112 shall be granted a suspended imposition of sentence,  
3 unless such person is placed on probation for a minimum of two years and a  
4 record of the conviction or plea of guilty is entered into the records of the  
5 Missouri uniform law enforcement system maintained by the Missouri state  
6 highway patrol.

7 2. Chemical tests of a person's blood, breath, urine, or saliva to be  
8 considered valid under the provisions of sections 306.111 to 306.119 shall be  
9 performed according to methods and devices approved by the [department of  
10 health and senior services] **highways and transportation commission** by  
11 licensed medical personnel or by a person possessing a valid permit issued by the  
12 [department of health and senior services] **highways and transportation**  
13 **commission** for this purpose. In addition, any state, county, or municipal law  
14 enforcement officer who is certified pursuant to chapter 590, RSMo, may, prior

15 to arrest, administer a portable chemical test to any person suspected of  
16 operating any vessel in violation of section 306.111 or 306.112. A portable  
17 chemical test shall be admissible as evidence of probable cause to arrest and as  
18 exculpatory evidence, but shall not be admissible as evidence of blood alcohol  
19 content. The provisions of section 306.116 shall not apply to a test administered  
20 prior to arrest pursuant to this section.

21 3. The [department of health and senior services] **highways and**  
22 **transportation commission** shall approve satisfactory techniques, devices,  
23 equipment, or methods to conduct tests required by sections 306.111 to 306.119,  
24 and shall establish standards as to the qualifications and competence of  
25 individuals to conduct analyses and to issue permits which shall be subject to  
26 termination, suspension or revocation by the [department of health and senior  
27 services] **highways and transportation commission**.

28 4. A licensed physician, registered nurse, or trained medical technician,  
29 acting at the request and direction of a law enforcement officer, shall withdraw  
30 blood for the purpose of determining the alcohol content of the blood, unless the  
31 medical personnel, in the exercise of good faith medical judgment, believes such  
32 procedure would endanger the life or health of the person in custody. Blood may  
33 be withdrawn only by such medical personnel, but such restriction shall not apply  
34 to the taking of a breath test or a urine or saliva specimen. In withdrawing blood  
35 for the purpose of determining the alcohol content in the blood, only a previously  
36 unused and sterile needle and sterile vessel shall be used and the withdrawal  
37 shall otherwise be in strict accord with accepted medical practices. A  
38 nonalcoholic antiseptic shall be used for cleansing the skin prior to a  
39 venapuncture. Upon the request of the person who is tested, full information  
40 concerning the test taken at the direction of the law enforcement officer shall be  
41 made available to such person.

42 5. No person who administers any test pursuant to the provisions of  
43 sections 306.111 to 306.119 upon the request of a law enforcement officer, no  
44 hospital in or with which such person is employed or is otherwise associated or  
45 in which such test is administered, and no other person, firm, or corporation by  
46 whom or with which such person is employed or is in any way associated shall be  
47 civilly liable for damages to the person tested, except for negligence in  
48 administering of the test or for willful and wanton acts or omissions.

49 6. Any person who is dead, unconscious or who is otherwise in a condition  
50 rendering such person incapable of refusing to take a test as provided in sections

51 306.111 to 306.119 shall be deemed not to have withdrawn the consent provided  
52 by section 306.116 and the test or tests may be administered.

306.117. 1. Upon the trial of any person for violation of any of the  
2 provisions of section 306.111 or 306.112 the amount of alcohol or drugs in the  
3 person's blood at the time of the act alleged as shown by any chemical analysis  
4 of the person's blood, breath, urine, or saliva is admissible in evidence and the  
5 provisions of subdivision (5) of section 491.060, RSMo, shall not prevent the  
6 admissibility or introduction of such evidence if otherwise admissible. Evidence  
7 of alcohol in a person's blood shall be given the following effect:

8 (1) If there was five-hundredths of one percent or less by weight of alcohol  
9 in such person's blood, it shall be presumed that the person was not intoxicated  
10 at the time the specimen was obtained;

11 (2) If there was in excess of five-hundredths of one percent but less than  
12 ten-hundredths of one percent by weight of alcohol in such person's blood, the fact  
13 shall not give rise to any presumption that the person was or was not intoxicated,  
14 but the fact may be considered with other competent evidence in determining  
15 whether the person was intoxicated;

16 (3) If there was ten-hundredths of one percent or more by weight of  
17 alcohol in the person's blood, this shall be prima facie evidence that the person  
18 was intoxicated at the time the specimen was taken.

19 2. Percent by weight of alcohol in the blood shall be based upon grams of  
20 alcohol per one hundred milliliters of blood.

21 3. A chemical analysis of a person's breath, blood, urine, or saliva, in  
22 order to give rise to the presumption or to have the effect provided for in  
23 subsection 1 of this section, shall have been performed as provided in sections  
24 306.111 to 306.119 and in accordance with methods and standards approved by  
25 the [department of health and senior services] **highways and transportation**  
26 **commission**.

27 4. The provisions of this section shall not be construed as limiting the  
28 introduction of any other competent evidence bearing upon the question whether  
29 the person was intoxicated or under the influence of a controlled substance, or  
30 drug, or a combination of either or both with or without alcohol.

384.025. 1. If at any time the director has reason to believe that an  
2 eligible surplus lines insurer:

3 (1) Is in unsound financial condition;

4 (2) Is no longer eligible under section 384.021;

5 (3) Has willfully violated the laws of this state; or  
6 (4) Does not make reasonably prompt payment of just losses and claims  
7 in this state or elsewhere;  
8 the director may declare it ineligible.

9 2. The director shall promptly [mail] **publish** notice of all such  
10 declarations [to each surplus lines licensee] **on the department's website**.

384.051. 1. Every insured in this state who procures or causes to be  
2 procured or continues or renews insurance in any surplus lines insurer, or any  
3 self-insurer in this state who so procures or continues with, any surplus lines  
4 insurer, excess of loss, catastrophe or other insurance, upon a subject of insurance  
5 resident, located or to be performed within this state, other than insurance  
6 procured through a surplus lines broker pursuant to sections 384.011 to 384.071,  
7 shall before March second of the year next succeeding the year in which the  
8 insurance was so procured, continued or renewed, file a written report of the  
9 same with the director on forms prescribed by the director and furnished to such  
10 an insured upon request. The report shall show:

11 (1) The name and address of the insured or insureds;  
12 (2) The name and address of the insurer or insurers;  
13 (3) The subject of the insurance;  
14 (4) A general description of the coverage;  
15 (5) The amount of premium currently charged therefor;  
16 (6) Such additional pertinent information as may be reasonably requested  
17 by the director.

18 2. If any such insurance covers also a subject of insurance resident,  
19 located or to be performed outside this state, for the purposes of this section, a  
20 proper pro rata portion of the entire premium payable for all such insurance shall  
21 be allocated as to the subjects of insurance resident, located or to be performed  
22 in this state.

23 3. Any insurance in a surplus lines insurer procured through negotiations  
24 or an application in whole or in part occurring or made within or from within this  
25 state, or for which premiums in whole or in part are remitted directly or  
26 indirectly from within this state, shall be deemed to be insurance procured or  
27 continued or renewed in this state within the intent of subsection 1 of this  
28 section.

29 4. For the general support of the government of this state there is levied  
30 upon the insured **or self-insurer** who procures insurance pursuant to

31 subsections 1 and 3 of this section a tax at the rate of five percent of the net  
32 amount of the premium in respect of risks located in this state. Before April  
33 sixteenth of the year next succeeding the year in which the insurance was so  
34 procured, continued or renewed, the insured shall remit to the [director]  
35 **department of revenue** the amount of the tax. [The director before June first  
36 of each year shall certify and transmit to the director of revenue the sums so  
37 collected.] **The department of revenue shall notify the director of sums**  
38 **collected from each insured or self-insurer.**

384.062. 1. If [the] **any tax [collectible], penalty, or interest payable**  
2 by a surplus lines licensee under the provisions of sections 384.011 to 384.071  
3 [has been collected and] is not paid within the time prescribed, the same shall be  
4 recoverable in a suit brought by the director against the surplus lines licensee.

5 2. All taxes, penalties, and interest or delinquent taxes levied pursuant  
6 to this chapter shall be paid to the [director] **department of revenue**, who shall  
7 [obtain such taxes, penalties and interest by civil action against the insured or  
8 the surplus lines licensee, and the director shall remit such taxes when collected  
9 to the director of revenue] **notify the director of the sums collected from**  
10 **each surplus lines licensee.** All checks and drafts remitted for the payment  
11 of such taxes, penalties and interest shall be made payable to the director of  
12 revenue.

13 3. Taxes collected pursuant to this chapter are taxes collected by the  
14 director of revenue within the meaning of section 139.031, RSMo.

577.020. 1. Any person who operates a motor vehicle upon the public  
2 highways of this state shall be deemed to have given consent to, subject to the  
3 provisions of sections 577.020 to 577.041, a chemical test or tests of the person's  
4 breath, blood, saliva or urine for the purpose of determining the alcohol or drug  
5 content of the person's blood pursuant to the following circumstances:

6 (1) If the person is arrested for any offense arising out of acts which the  
7 arresting officer had reasonable grounds to believe were committed while the  
8 person was driving a motor vehicle while in an intoxicated or drugged condition;  
9 or

10 (2) If the person is under the age of twenty-one, has been stopped by a law  
11 enforcement officer, and the law enforcement officer has reasonable grounds to  
12 believe that such person was driving a motor vehicle with a blood alcohol content  
13 of two-hundredths of one percent or more by weight; or

14 (3) If the person is under the age of twenty-one, has been stopped by a law

15 enforcement officer, and the law enforcement officer has reasonable grounds to  
16 believe that such person has committed a violation of the traffic laws of the state,  
17 or any political subdivision of the state, and such officer has reasonable grounds  
18 to believe, after making such stop, that such person has a blood alcohol content  
19 of two-hundredths of one percent or greater;

20 (4) If the person is under the age of twenty-one, has been stopped at a  
21 sobriety checkpoint or roadblock and the law enforcement officer has reasonable  
22 grounds to believe that such person has a blood alcohol content of two-hundredths  
23 of one percent or greater;

24 (5) If the person, while operating a motor vehicle, has been involved in a  
25 motor vehicle collision which resulted in a fatality or a readily apparent serious  
26 physical injury as defined in section 565.002, RSMo, and has been arrested as  
27 evidenced by the issuance of a uniform traffic ticket for the violation of any state  
28 law or county or municipal ordinance with the exception of equipment violations  
29 contained in chapter 306, RSMo, or similar provisions contained in county or  
30 municipal ordinances; or

31 (6) If the person, while operating a motor vehicle, has been involved in a  
32 motor vehicle collision which resulted in a fatality.

33 The test shall be administered at the direction of the law enforcement officer  
34 whenever the person has been arrested or stopped for any reason.

35 2. The implied consent to submit to the chemical tests listed in subsection  
36 1 of this section shall be limited to not more than two such tests arising from the  
37 same arrest, incident or charge.

38 3. Chemical analysis of the person's breath, blood, saliva, or urine to be  
39 considered valid pursuant to the provisions of sections 577.020 to 577.041 shall  
40 be performed according to methods approved by the [state department of health  
41 and senior services] **highways and transportation commission** by licensed  
42 medical personnel or by a person possessing a valid permit issued by the [state  
43 department of health and senior services] **highways and transportation**  
44 **commission** for this purpose.

45 4. The [state department of health and senior services] **highways and**  
46 **transportation commission** shall approve satisfactory techniques, devices,  
47 equipment, or methods to be considered valid pursuant to the provisions of  
48 sections 577.020 to 577.041 and shall establish standards to ascertain the  
49 qualifications and competence of individuals to conduct analyses and to issue  
50 permits which shall be subject to termination or revocation by the [state

51 department of health and senior services] **highways and transportation**  
52 **commission.**

53           5. The person tested may have a physician, or a qualified technician,  
54 chemist, registered nurse, or other qualified person at the choosing and expense  
55 of the person to be tested, administer a test in addition to any administered at  
56 the direction of a law enforcement officer. The failure or inability to obtain an  
57 additional test by a person shall not preclude the admission of evidence relating  
58 to the test taken at the direction of a law enforcement officer.

59           6. Upon the request of the person who is tested, full information  
60 concerning the test shall be made available to such person.

61           7. Any person given a chemical test of the person's breath pursuant to  
62 subsection 1 of this section or a field sobriety test may be videotaped during any  
63 such test at the direction of the law enforcement officer. Any such video  
64 recording made during the chemical test pursuant to this subsection or a field  
65 sobriety test shall be admissible as evidence at either any trial of such person for  
66 either a violation of any state law or county or municipal ordinance, or any  
67 license revocation or suspension proceeding pursuant to the provisions of chapter  
68 302, RSMo.

          577.026. 1. Chemical tests of the person's breath, blood, saliva, or urine  
2 to be considered valid under the provisions of sections 577.020 to 577.041, shall  
3 be performed according to methods and devices approved by the [state  
4 department of health and senior services] **highways and transportation**  
5 **commission** by licensed medical personnel or by a person possessing a valid  
6 permit issued by the [state department of health and senior services] **highways**  
7 **and transportation commission** for this purpose.

8           2. The [state department of health and senior services] **highways and**  
9 **transportation commission** shall approve satisfactory techniques, devices,  
10 equipment, or methods to conduct tests required by sections 577.020 to 577.041,  
11 and shall establish standards as to the qualifications and competence of  
12 individuals to conduct analyses and to issue permits which shall be subject to  
13 termination or revocation by the [state department of health and senior services]  
14 **highways and transportation commission.**

15           3. **All the powers, duties, and functions described in this section,**  
16 **and all powers, duties, and functions under sections 306.114 and**  
17 **306.117, RSMo, and sections 577.020 and 577.037, relating to the**  
18 **approval and licensing of personnel, methods, techniques, devices, and**

19 equipment for the testing of blood alcohol content, including all  
20 administrative rules and orders, are hereby transferred from the  
21 department of health and senior services to the department of  
22 transportation, which is in the charge of the highways and  
23 transportation commission, by type I transfer, as defined in the  
24 omnibus state reorganization act of 1974, and the department of health  
25 and senior services and its employees, officers, and agents shall no  
26 longer be responsible for those powers, duties, and functions.

27 4. All budget authority to fund the personal services and  
28 equipment and expenses to carry out the powers, duties, and functions  
29 under this section and sections 306.114 and 306.117, RSMo, and sections  
30 577.020 and 577.037, relating to the approval and licensing of personnel,  
31 methods, and devices for testing of blood alcohol content shall be  
32 transferred from the department of health and senior services to the  
33 department of transportation and all appropriations to fund the  
34 powers, duties, and functions transferred under this section shall be  
35 paid from the general revenue fund.

36 5. All credentials, permits, and licenses issued prior to the  
37 effective date of this transfer by the department of health and senior  
38 services under this section and sections 306.114 and 306.117, RSMo, and  
39 sections 577.020 and 577.037, shall remain in force or expire as provided  
40 by law. In addition, the highways and transportation commission shall  
41 have the authority to suspend, cancel, or revoke such credentials,  
42 permits, and licenses after the effective date of this act.

43 6. The commission may promulgate administrative rules to  
44 administer the powers, duties, and functions relating to the approval  
45 and licensing of personnel, methods, and devices for testing of blood  
46 alcohol content. Any rule or portion of a rule, as that term is defined  
47 in section 536.010, RSMo, that is created under the authority delegated  
48 in this section shall become effective only if it complies with and is  
49 subject to all of the provisions of chapter 536, RSMo, and, if applicable,  
50 section 536.028, RSMo. This section and chapter 536, RSMo, are  
51 nonseverable and if any of the powers vested with the general assembly  
52 pursuant to chapter 536, RSMo, to review, to delay the effective date,  
53 or to disapprove and annul a rule are subsequently held  
54 unconstitutional, then the grant of rulemaking authority and any rule



55 **proposed or adopted after August 28, 2006, shall be invalid and void.**

56 **7. Notwithstanding any provision of law to the contrary, on and**  
57 **after the effective date of this act, all bonds, certificates of deposit,**  
58 **letters of credit, drafts, checks, or other financial instruments payable**  
59 **to the department of health and senior services or any other employee,**  
60 **official, or agent whose powers, duties, or functions are transferred**  
61 **under this section shall be payable instead to the highways and**  
62 **transportation commission to be deposited to the credit of the general**  
63 **revenue fund.**

577.037. 1. Upon the trial of any person for violation of any of the  
2 provisions of section 565.024, RSMo, or section 565.060, RSMo, or section 577.010  
3 or 577.012, or upon the trial of any criminal action or violations of county or  
4 municipal ordinances or in any license suspension or revocation proceeding  
5 pursuant to the provisions of chapter 302, RSMo, arising out of acts alleged to  
6 have been committed by any person while driving a motor vehicle while in an  
7 intoxicated condition, the amount of alcohol in the person's blood at the time of  
8 the act alleged as shown by any chemical analysis of the person's blood, breath,  
9 saliva or urine is admissible in evidence and the provisions of subdivision (5) of  
10 section 491.060, RSMo, shall not prevent the admissibility or introduction of such  
11 evidence if otherwise admissible. If there was eight-hundredths of one percent  
12 or more by weight of alcohol in the person's blood, this shall be prima facie  
13 evidence that the person was intoxicated at the time the specimen was taken.

14 2. Percent by weight of alcohol in the blood shall be based upon grams of  
15 alcohol per one hundred milliliters of blood or grams of alcohol per two hundred  
16 ten liters of breath.

17 3. The foregoing provisions of this section shall not be construed as  
18 limiting the introduction of any other competent evidence bearing upon the  
19 question whether the person was intoxicated.

20 4. A chemical analysis of a person's breath, blood, saliva or urine, in order  
21 to give rise to the presumption or to have the effect provided for in subsection 1  
22 of this section, shall have been performed as provided in sections 577.020 to  
23 577.041 and in accordance with methods and standards approved by the [state  
24 department of health and senior services] **highways and transportation**  
25 **commission.**

26 5. Any charge alleging a violation of section 577.010 or 577.012 or any  
27 county or municipal ordinance prohibiting driving while intoxicated or driving

28 under the influence of alcohol shall be dismissed with prejudice if a chemical  
29 analysis of the defendant's breath, blood, saliva, or urine performed in accordance  
30 with sections 577.020 to 577.041 and rules promulgated thereunder by the [state  
31 department of health and senior services] **highways and transportation**  
32 **commission** demonstrate that there was less than eight-hundredths of one  
33 percent of alcohol in the defendant's blood unless one or more of the following  
34 considerations cause the court to find a dismissal unwarranted:

35 (1) There is evidence that the chemical analysis is unreliable as evidence  
36 of the defendant's intoxication at the time of the alleged violation due to the lapse  
37 of time between the alleged violation and the obtaining of the specimen;

38 (2) There is evidence that the defendant was under the influence of a  
39 controlled substance, or drug, or a combination of either or both with or without  
40 alcohol; or

41 (3) There is substantial evidence of intoxication from physical  
42 observations of witnesses or admissions of the defendant.

577.208. 1. Chemical tests of the person's breath, blood, or urine to be  
2 considered valid shall be performed according to methods and devices approved  
3 by the [state department of health and senior services] **highways and**  
4 **transportation commission** and shall be performed by licensed medical  
5 personnel or by a person possessing a valid permit issued by the [state  
6 department of health and senior services] **highways and transportation**  
7 **commission** for this purpose. A blood test shall not be performed if the medical  
8 personnel, in good faith medical judgment, believe such procedure would  
9 endanger the health of the person in custody.

10 2. Upon request of the person tested, full information concerning the test  
11 shall be made available to him.

12 3. No person administering a chemical test under this section and sections  
13 577.206, 577.211 and 577.214, or any other person, firm or corporation with whom  
14 he is associated, shall be civilly liable for damages to the person tested except for  
15 negligence or by willful or wanton act or omission.

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

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

5 (2) "Claimant", a victim or a dependent, relative, survivor, or member of  
6 the family, of a victim eligible for compensation pursuant to sections 595.010 to

7 595.075;

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

11 (4) "Counseling", problem-solving and support concerning emotional issues  
12 that result from criminal victimization licensed pursuant to section  
13 595.030. Counseling is a confidential service provided either on an individual  
14 basis or in a group. Counseling has as a primary purpose to enhance, protect and  
15 restore a person's sense of well-being and social functioning after  
16 victimization. Counseling does not include victim advocacy services such as crisis  
17 telephone counseling, attendance at medical procedures, law enforcement  
18 interviews or criminal justice proceedings;

19 (5) "Crime", an act committed in this state which, if committed by a  
20 mentally competent, criminally responsible person who had no legal exemption  
21 or defense, would constitute a crime; provided that, such act involves the  
22 application of force or violence or the threat of force or violence by the offender  
23 upon the victim but shall include the crime of driving while intoxicated, vehicular  
24 manslaughter and hit and run; and provided, further, that no act involving the  
25 operation of a motor vehicle except driving while intoxicated, vehicular  
26 manslaughter and hit and run which results in injury to another shall constitute  
27 a crime for the purpose of sections 595.010 to 595.075, unless such injury was  
28 intentionally inflicted through the use of a motor vehicle. A crime shall also  
29 include an act of terrorism, as defined in 18 U.S.C. section 2331, which has been  
30 committed outside of the United States against a resident of Missouri;

31 (6) "Crisis intervention counseling", helping to reduce psychological  
32 trauma where victimization occurs;

33 (7) "Department", the department of public safety;

34 (8) "Dependent", mother, father, spouse, spouse's mother, spouse's father,  
35 child, grandchild, adopted child, illegitimate child, niece or nephew, who is wholly  
36 or partially dependent for support upon, and living with, but shall include  
37 children entitled to child support but not living with, the victim at the time of his  
38 injury or death due to a crime alleged in a claim pursuant to sections 595.010 to  
39 595.070;

40 (9) "Direct service", providing physical services to a victim of crime  
41 including, but not limited to, transportation, funeral arrangements, child care,  
42 emergency food, clothing, shelter, notification and information;

43 (10) "Director", the director of public safety of this state or a person  
44 designated by him for the purposes of sections 595.010 to 595.070;

45 (11) "Disabled person", one who is unable by reason of any physical or  
46 mental condition to receive and evaluate information or to communicate decisions  
47 to such an extent that the person lacks ability to manage his financial resources,  
48 including a partially disabled person who lacks the ability, in part, to manage his  
49 financial resources;

50 (12) ["Division", the division of workers' compensation of the state of  
51 Missouri;

52 (13) "Emergency service", those services provided within thirty days to  
53 alleviate the immediate effects of the criminal act or offense, and may include  
54 cash grants of not more than one hundred dollars;

55 [(14)] (13) "Earnings", net income or net wages;

56 [(15)] (14) "Family", the spouse, parent, grandparent, stepmother,  
57 stepfather, child, grandchild, brother, sister, half brother, half sister, adopted  
58 children of parent, or spouse's parents;

59 [(16)] (15) "Funeral expenses", the expenses of the funeral, burial,  
60 cremation or other chosen method of interment, including plot or tomb and other  
61 necessary incidents to the disposition of the remains;

62 [(17)] (16) "Gainful employment", engaging on a regular and continuous  
63 basis, up to the date of the incident upon which the claim is based, in a lawful  
64 activity from which a person derives a livelihood;

65 [(18)] (17) "Guardian", one appointed by a court to have the care and  
66 custody of the person of a minor or of an incapacitated person, including a limited  
67 guardian;

68 [(19)] (18) "Hit and run", the crime of leaving the scene of a motor  
69 vehicle accident as defined in section 577.060, RSMo;

70 [(20)] (19) "Incapacitated person", one who is unable by reason of any  
71 physical or mental condition to receive and evaluate information or to  
72 communicate decisions to such an extent that he lacks capacity to meet essential  
73 requirements for food, clothing, shelter, safety or other care such that serious  
74 physical injury, illness, or disease is likely to occur, including a partially  
75 incapacitated person who lacks the capacity to meet, in part, such essential  
76 requirements;

77 [(21)] (20) "Injured victim", a person:

78 (a) Killed or receiving a personal physical injury in this state as a result

79 of another person's commission of or attempt to commit any crime;

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

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

86 [(22)] (21) "Law enforcement official", a sheriff and his regular deputies,  
87 municipal police officer or member of the Missouri state highway patrol and such  
88 other persons as may be designated by law as peace officers;

89 [(23)] (22) "Offender", a person who commits a crime;

90 [(24)] (23) "Personal physical injury", actual bodily harm only with  
91 respect to the victim. Personal physical injury may include mental or nervous  
92 shock resulting from the specific incident upon which the claim is based;

93 [(25)] (24) "Private agency", a not-for-profit corporation, in good standing  
94 in this state, which provides services to victims of crime and their dependents;

95 [(26)] (25) "Public agency", a part of any local or state government  
96 organization which provides services to victims of crime;

97 [(27)] (26) "Relative", the spouse of the victim or a person related to the  
98 victim within the third degree of consanguinity or affinity as calculated according  
99 to civil law;

100 [(28)] (27) "Survivor", the spouse, parent, legal guardian, grandparent,  
101 sibling or child of the deceased victim of the victim's household at the time of the  
102 crime;

103 [(29)] (28) "Victim", a person who suffers personal physical injury or  
104 death as a direct result of a crime, as defined in subdivision (5) of this subsection;

105 [(30)] (29) "Victim advocacy", assisting the victim of a crime and his  
106 dependents to acquire services from existing community resources.

107 2. As used in sections 565.024 and 565.060, RSMo, and sections 595.010  
108 to 595.075, the term "alcohol-related traffic offense" means those offenses defined  
109 by sections 577.001, 577.010, and 577.012, RSMo, and any county or municipal  
110 ordinance which prohibits operation of a motor vehicle while under the influence  
111 of alcohol.

595.015. 1. The [division of workers' compensation] **department of**  
2 **public safety** shall, pursuant to the provisions of sections 595.010 to 595.075,  
3 have jurisdiction to determine and award compensation to, or on behalf of, victims

4 of crimes. The [division of workers' compensation] **department of public**  
5 **safety** may pay directly to the provider of the services compensation for medical  
6 or funeral expenses, or expenses for other services as described in section  
7 595.030, incurred by the claimant. The [division] **department** is not required  
8 to provide compensation in any case, nor is it required to award the full amount  
9 claimed. The [division] **department** shall make its award of compensation based  
10 upon independent verification obtained during its investigation.

11 2. Such claims shall be made by filing an application for compensation  
12 with the [division of workers' compensation] **department of public safety**. The  
13 application form shall be furnished by the [division] **department** and the  
14 signature shall be notarized. The application shall include:

15 (1) The name and address of the victim;

16 (2) If the claimant is not the victim, the name and address of the claimant  
17 and relationship to the victim, the names and addresses of the victim's  
18 dependents, if any, and the extent to which each is so dependent;

19 (3) The date and nature of the crime or attempted crime on which the  
20 application for compensation is based;

21 (4) The date and place where, and the law enforcement officials to whom,  
22 notification of the crime was given;

23 (5) The nature and extent of the injuries sustained by the victim, the  
24 names and addresses of those giving medical and hospital treatment to the victim  
25 and whether death resulted;

26 (6) The loss to the claimant or a dependent resulting from the injury or  
27 death;

28 (7) The amount of benefits, payments or awards, if any, payable from any  
29 source which the claimant or dependent has received or for which the claimant  
30 or dependent is eligible as a result of the injury or death;

31 (8) Releases authorizing the surrender to the [division] **department** of  
32 reports, documents and other information relating to the matters specified under  
33 this section; and

34 (9) Such other information as the [division] **department** determines is  
35 necessary.

36 3. In addition to the application, the [division] **department** may require  
37 that the claimant submit materials substantiating the facts stated in the  
38 application.

39 4. If the [division] **department** finds that an application does not contain

40 the required information or that the facts stated therein have not been  
41 substantiated, it shall notify the claimant in writing of the specific additional  
42 items of information or materials required and that the claimant has thirty days  
43 from the date of mailing in which to furnish those items to the [division]  
44 **department**. Unless a claimant requests and is granted an extension of time by  
45 the [division] **department**, the [division] **department** shall reject with  
46 prejudice the claim of the claimant for failure to file the additional information  
47 or materials within the specified time.

48 5. The claimant may file an amended application or additional  
49 substantiating materials to correct inadvertent errors or omissions at any time  
50 before the [division] **department** has completed its consideration of the original  
51 application.

52 6. The claimant, victim or dependent shall cooperate with law enforcement  
53 officials in the apprehension and prosecution of the offender in order to be  
54 eligible, or the [division] **department** has found that the failure to cooperate was  
55 for good cause.

56 7. Any state or local agency, including a prosecuting attorney or law  
57 enforcement agency, shall make available without cost to the fund, all reports,  
58 files and other appropriate information which the [division] **department**  
59 requests in order to make a determination that a claimant is eligible for an award  
60 pursuant to sections 595.010 to 595.075.

595.020. 1. Except as hereinafter provided, the following persons shall  
2 be eligible for compensation pursuant to sections 595.010 to 595.075:

- 3 (1) A victim of a crime;
- 4 (2) In the case of a sexual assault victim:
  - 5 (a) A relative of the victim requiring counseling in order to better assist  
6 the victim in his recovery; and
  - 7 (3) In the case of the death of the victim as a direct result of the crime:
    - 8 (a) A dependent of the victim;
    - 9 (b) Any member of the family who legally assumes the obligation, or who  
10 pays the medical or burial expenses incurred as a direct result thereof; and
    - 11 (c) A survivor of the victim requiring counseling as a direct result of the  
12 death of the victim.

13 2. An offender or an accomplice of an offender shall in no case be eligible  
14 to receive compensation with respect to a crime committed by the offender. No  
15 victim or dependent shall be denied compensation solely because he is a relative

16 of the offender or was living with the offender as a family or household member  
17 at the time of the injury or death. However, the [division] **department** may  
18 award compensation to a victim or dependent who is a relative, family or  
19 household member of the offender only if the [division] **department** can  
20 reasonably determine the offender will receive no substantial economic benefit or  
21 unjust enrichment from the compensation.

22 3. No compensation of any kind may be made to a victim or intervenor  
23 injured while confined in any federal, state, county, or municipal jail, prison or  
24 other correctional facility, including house arrest.

25 4. No compensation of any kind may be made to a victim who has been  
26 finally adjudicated and found guilty, in a criminal prosecution under the laws of  
27 this state, of two felonies within the past ten years, of which one or both involves  
28 illegal drugs or violence. The [division] **department** may waive this restriction  
29 if it determines that the interest of justice would be served otherwise.

30 5. In the case of a claimant who is not otherwise ineligible pursuant to  
31 subsection 4 of this section, who is incarcerated as a result of a conviction of a  
32 crime not related to the incident upon which the claim is based at the time of  
33 application, or at any time following the filing of the application:

34 (1) The [division] **department** shall suspend all proceedings and  
35 payments until such time as the claimant is released from incarceration;

36 (2) The [division] **department** shall notify the applicant at the time the  
37 proceedings are suspended of the right to reactivate the claim within six months  
38 of release from incarceration. The notice shall be deemed sufficient if mailed to  
39 the applicant at the applicant's last known address;

40 (3) The claimant shall file an application to request that the case be  
41 reactivated not later than six months after the date the claimant is released from  
42 incarceration. Failure to file such request within the six-month period shall serve  
43 as a bar to any recovery.

44 6. Victims of crime who are not residents of the state of Missouri may be  
45 compensated only when federal funds are available for that  
46 purpose. Compensation for nonresident victims shall terminate when federal  
47 funds for that purpose are no longer available.

48 7. A Missouri resident who suffers personal physical injury or, in the case  
49 of death, a dependent of the victim or any member of the family who legally  
50 assumes the obligation, or who pays the medical or burial expenses incurred as  
51 a direct result thereof, in another state, possession or territory of the United



52 States may make application for compensation in Missouri if:

53 (1) The victim of the crime would be compensated if the crime had  
54 occurred in the state of Missouri;

55 (2) The place that the crime occurred is a state, possession or territory of  
56 the United States, or location outside of the United States that is covered and  
57 defined in 18 U.S.C. section 2331, that does not have a crime victims'  
58 compensation program for which the victim is eligible and which provides at least  
59 the same compensation that the victim would have received if he had been  
60 injured in Missouri.

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

4 2. A claim shall be filed not later than two years after the occurrence of  
5 the crime or the discovery of the crime upon which it is based.

6 3. Each claim shall be filed in person or by mail. The [division of workers'  
7 compensation] **department of public safety** shall investigate such claim, prior  
8 to the opening of formal proceedings. The claimant shall be notified of the date  
9 and time of any hearing on such claim. In determining the amount of  
10 compensation for which a claimant is eligible, the [division] **department** shall  
11 consider the facts stated on the application filed pursuant to section 595.015, and:

12 (1) Need not consider whether or not the alleged assailant has been  
13 apprehended or brought to trial or the result of any criminal proceedings against  
14 that person; however, if any person is convicted of the crime which is the basis  
15 for an application for compensation, proof of the conviction shall be conclusive  
16 evidence that the crime was committed;

17 (2) Shall determine the amount of the loss to the claimant, or the victim's  
18 survivors or dependents;

19 (3) Shall determine the degree or extent to which the victim's acts or  
20 conduct provoked, incited, or contributed to the injuries or death of the victim.

21 4. The claimant may present evidence and testimony on his own behalf  
22 or may retain counsel. The [division of workers' compensation] **department of**  
23 **public safety** may, as part of any award entered under sections 595.010 to  
24 595.075, determine and allow reasonable attorney's fees, which shall not exceed  
25 fifteen percent of the amount awarded as compensation under sections 595.010  
26 to 595.075, which fee shall be paid out of, but not in addition to, the amount of  
27 compensation, to the attorney representing the claimant. No attorney for the

28 claimant shall ask for, contract for or receive any larger sum than the amount so  
29 allowed.

30           5. The person filing a claim shall, prior to any hearing thereon, submit  
31 reports, if available, from all hospitals, physicians or surgeons who treated or  
32 examined the victim for the injury for which compensation is sought. If, in the  
33 opinion of the [division of workers' compensation] **department of public**  
34 **safety**, an examination of the injured victim and a report thereon, or a report on  
35 the cause of death of the victim, would be of material aid, the [division of  
36 workers' compensation] **department of public safety** may appoint a duly  
37 qualified, impartial physician to make such examination and report.

38           6. Each and every payment shall be exempt from attachment,  
39 garnishment or any other remedy available to creditors for the collection of a  
40 debt.

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

          595.027. 1. Upon request by the [division] **department** for verification  
2 of injuries of victims, medical providers shall submit the information requested  
3 by the [division] **department** within twenty working days of the request at no  
4 cost to the fund.

5           2. For purposes of this section, "medical providers" means physicians,  
6 dentists, clinical psychologists, optometrists, podiatrists, registered nurses,  
7 physician's assistants, chiropractors, physical therapists, hospitals, ambulatory  
8 surgical centers, and nursing homes.

9           3. Failure to submit the information as required by this section shall be  
10 an infraction.

          595.030. 1. No compensation shall be paid unless the claimant has  
2 incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous  
3 weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall  
4 mean unreimbursed or unreimbursable expenses or indebtedness reasonably  
5 incurred for medical care or other services, including psychiatric, psychological  
6 or counseling expenses, necessary as a result of the crime upon which the claim  
7 is based, except that the amount paid for psychiatric, psychological or counseling  
8 expenses per eligible claim shall not exceed two thousand five hundred dollars.

9           2. No compensation shall be paid unless the [division of workers'  
10 compensation] **department of public safety** finds that a crime was committed,

11 that such crime directly resulted in personal physical injury to, or the death of,  
12 the victim, and that police records show that such crime was promptly reported  
13 to the proper authorities. In no case may compensation be paid if the police  
14 records show that such report was made more than forty-eight hours after the  
15 occurrence of such crime, unless the [division of workers' compensation]  
16 **department of public safety** finds that the report to the police was delayed for  
17 good cause. If the victim is under eighteen years of age such report may be made  
18 by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital  
19 emergency room personnel; by the division of family services personnel; or by any  
20 other member of the victim's family.

21 3. No compensation shall be paid for medical care if the service provider  
22 is not a medical provider as that term is defined in section 595.027, and the  
23 individual providing the medical care is not licensed by the state of Missouri or  
24 the state in which the medical care is provided.

25 4. No compensation shall be paid for psychiatric treatment or other  
26 counseling services, including psychotherapy, unless the service provider is a:

27 (1) Physician licensed pursuant to chapter 334, RSMo, or licensed to  
28 practice medicine in the state in which the service is provided;

29 (2) Psychologist licensed pursuant to chapter 337, RSMo, or licensed to  
30 practice psychology in the state in which the service is provided;

31 (3) Clinical social worker licensed pursuant to chapter 337, RSMo; or

32 (4) Professional counselor licensed pursuant to chapter 337, RSMo.

33 5. Any compensation paid pursuant to sections 595.010 to 595.075 for  
34 death or personal injury shall be in an amount not exceeding out-of-pocket loss,  
35 together with loss of earnings or support from gainful employment, not to exceed  
36 two hundred dollars per week, resulting from such injury or death. In the event  
37 of death of the victim, an award may be made for reasonable and necessary  
38 expenses actually incurred for preparation and burial not to exceed five thousand  
39 dollars.

40 6. Any compensation for loss of earnings or support from gainful  
41 employment shall be in an amount equal to the actual loss sustained not to  
42 exceed two hundred dollars per week; provided, however, that no award pursuant  
43 to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars. If two  
44 or more persons are entitled to compensation as a result of the death of a person  
45 which is the direct result of a crime or in the case of a sexual assault, the  
46 compensation shall be apportioned by the [division of workers' compensation]

47 **department of public safety** among the claimants in proportion to their loss.

48           7. The method and timing of the payment of any compensation pursuant  
49 to sections 595.010 to 595.075 shall be determined by the [division] **department**.

          595.035. 1. For the purpose of determining the amount of compensation  
2 payable pursuant to sections 595.010 to 595.075, the [division of workers'  
3 compensation] **department of public safety** shall, insofar as practicable,  
4 formulate standards for the uniform application of sections 595.010 to 595.075,  
5 taking into consideration the provisions of sections 595.010 to 595.075, the rates  
6 and amounts of compensation payable for injuries and death pursuant to other  
7 laws of this state and of the United States, excluding pain and suffering, and the  
8 availability of funds appropriated for the purpose of sections 595.010 to 595.075.  
9 All decisions of the [division of workers' compensation] **department of public**  
10 **safety** on claims heard pursuant to sections 595.010 to 595.075 shall be in  
11 writing, setting forth the name of the claimant, the amount of compensation and  
12 the reasons for the decision. The [division of workers' compensation]  
13 **department of public safety** shall immediately notify the claimant in writing  
14 of the decision and shall forward to the state treasurer a certified copy of the  
15 decision and a warrant for the amount of the claim. The state treasurer, upon  
16 certification by the commissioner of administration, shall, if there are sufficient  
17 funds in the crime victims' compensation fund, pay to or on behalf of the claimant  
18 the amount determined by the [division] **department**.

19           2. The crime victims' compensation fund is not a state health program and  
20 is not intended to be used as a primary payor to other health care assistance  
21 programs, but is a public, quasi-charitable fund whose fundamental purpose is  
22 to assist victims of violent crimes through a period of financial hardship, as a  
23 payor of last resort. Accordingly, any compensation paid pursuant to sections  
24 595.010 to 595.075 shall be reduced by the amount of any payments, benefits or  
25 awards received or to be received as a result of the injury or death:

26           (1) From or on behalf of the offender;

27           (2) Under private or public insurance programs, including champus,  
28 Medicare, Medicaid and other state or federal programs, but not including any  
29 life insurance proceeds; or

30           (3) From any other public or private funds, including an award payable  
31 pursuant to the workers' compensation laws of this state.

32           3. In determining the amount of compensation payable, the [division of  
33 workers' compensation] **department of public safety** shall determine whether,

34 because of the victim's consent, provocation, incitement or negligence, the victim  
35 contributed to the infliction of the victim's injury or death, and shall reduce the  
36 amount of the compensation or deny the claim altogether, in accordance with such  
37 determination; provided, however, that the [division of workers' compensation]  
38 **department of public safety** may disregard the responsibility of the victim for  
39 his or her own injury where such responsibility was attributable to efforts by the  
40 victim to aid a victim, or to prevent a crime or an attempted crime from occurring  
41 in his or her presence, or to apprehend a person who had committed a crime in  
42 his or her presence or had in fact committed a felony.

43 4. In determining the amount of compensation payable pursuant to  
44 sections 595.010 to 595.070, monthly Social Security disability or retirement  
45 benefits received by the victim shall not be considered by the [division]  
46 **department** as a factor for reduction of benefits.

47 5. The [division] **department** shall not be liable for payment of  
48 compensation for any out-of-pocket expenses incurred more than three years  
49 following the date of the occurrence of the crime upon which the claim is based.

595.036. [1.] Any [of the parties] **party** to a decision of the [division of  
2 workers' compensation] **department of public safety** on a claim heard under  
3 the provisions of sections 595.010 to 595.070 may, within thirty days following the  
4 date of notification or mailing of such decision, file a petition with the [labor and  
5 industrial relations commission] **administrative hearing commission under**  
6 **the provisions of section 621.060, RSMo**, to have such decision reviewed by  
7 the commission. [The commission may allow or deny a petition for review. If a  
8 petition is allowed, the commission may affirm, reverse, or set aside the decision  
9 of the division of workers' compensation on the basis of the evidence previously  
10 submitted in such case or may take additional evidence or may remand the  
11 matter to the division of workers' compensation with directions. The commission  
12 shall promptly notify the parties of its decision and the reasons therefor.

13 2. Any petition for review filed pursuant to subsection 1 of this section  
14 shall be deemed to be filed as of the date endorsed by the United States Postal  
15 Service on the envelope or container in which such petition is received.

16 3. Any party who is aggrieved by a final decision of the labor and  
17 industrial relations commission pursuant to the provisions of subsections 1 and  
18 2 of this section may seek judicial review thereof, as provided in sections 536.100  
19 to 536.140, RSMo.]

595.037. 1. All information submitted to the [division] **department** and

2 any hearing of the [division] **department** on a claim filed pursuant to sections  
3 595.010 to 595.070 shall be open to the public except for the following claims  
4 which shall be deemed closed and confidential:

5 (1) A claim in which the alleged assailant has not been brought to trial  
6 and disclosure of the information or a public hearing would adversely affect either  
7 the apprehension, or the trial, of the alleged assailant;

8 (2) A claim in which the offense allegedly perpetrated against the victim  
9 is rape, sodomy or sexual abuse and it is determined by the [division]  
10 **department** to be in the best interest of the victim or of the victim's dependents  
11 that the information be kept confidential or that the public be excluded from the  
12 hearing;

13 (3) A claim in which the victim or alleged assailant is a minor; or

14 (4) A claim in which any record or report obtained by the [division]  
15 **department**, the confidentiality of which is protected by any other law, shall  
16 remain confidential subject to such law.

17 2. The [division] **department**, by separate order, may close any record,  
18 report or hearing if it determines that the interest of justice would be frustrated  
19 rather than furthered if such record or report was disclosed or if the hearing was  
20 open to the public.

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

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

17 3. If a claimant initiates any legal proceeding to recover restitution or

18 damages related to the crime upon which the claim is based, or if the claimant  
19 enters into negotiations to receive any proceeds in settlement of a claim for  
20 restitution or damages related to the crime, the claimant shall give the [division]  
21 **department** written notice within fifteen days of the filing of the action or  
22 entering into negotiations. The [division] **department** may intervene in the  
23 proceeding of a complainant to recover the compensation awarded. If a claimant  
24 fails to give such written notice to the [division] **department** within the stated  
25 time period, or prior to any attempt by claimant to reach a negotiated settlement  
26 of claims for recovery of damages related to the crime upon which the claim is  
27 based, the [division's] **department's** right of subrogation to receive or recover  
28 funds from claimant, to the extent that compensation was awarded by the  
29 [division] **department**, shall not be reduced in any amount or percentage by the  
30 costs incurred by claimant attributable to such legal proceedings or settlement,  
31 including, but not limited to, attorney's fees, investigative cost or cost of court. If  
32 such notice is given, attorney fees may be awarded in an amount not to exceed  
33 fifteen percent of the amount subrogated to the [division] **department**.

34 4. Whenever compensation is awarded to a claimant who is entitled to  
35 restitution from a criminal defendant, the [division] **department** may initiate  
36 restitution hearings in such criminal proceedings or intervene in the same. The  
37 [division] **department** shall be entitled to receive restitution in such proceedings  
38 to the extent compensation was awarded; provided, however, the [division]  
39 **department** shall be exempt from the payment of any fees or other charges for  
40 the recording of restitution orders in the offices of the judges of probate. The  
41 claimant shall notify this [division] **department** when restitution is  
42 ordered. Failure to notify the [division] **department** will result in possible  
43 forfeiture of any amount already received from the [division] **department**.

44 5. Whenever the [division] **department** shall deem it necessary to  
45 protect, maintain or enforce the [division's] **department's** right to subrogation  
46 or to exercise any of its powers or to carry out any of its duties or responsibilities,  
47 the attorney general may initiate legal proceedings or intervene in legal  
48 proceedings as the [division's] **department's** legal representative.

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  
3 assessed as costs in each court proceeding filed in any court in the state in all  
4 criminal cases including violations of any county ordinance or any violation of  
5 criminal or traffic laws of the state, including an infraction and violation of a

6 municipal ordinance; except that no such fee shall be collected in any proceeding  
7 in any court when the proceeding or the defendant has been dismissed by the  
8 court or when costs are to be paid by the state, county, or municipality. A  
9 surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile  
10 court proceeding in which a child is found by the court to come within the  
11 applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

12           2. Notwithstanding any other provision of law to the contrary, the moneys  
13 collected by clerks of the courts pursuant to the provisions of subsection 1 of this  
14 section shall be collected and disbursed in accordance with sections 488.010 to  
15 488.020, RSMo, and shall be payable to the director of the department of revenue.

16           **3. If in the immediate previous fiscal year, the state's net general**  
17 **revenue did not increase by two percent or more, the state treasurer**  
18 **shall deposit moneys, except for gifts, donations, or bequests, received**  
19 **under this section beginning January first of the current fiscal year**  
20 **into the state general revenue fund. Otherwise, the state treasurer**  
21 **shall deposit such moneys in accordance with the provisions of this**  
22 **section.**

23           [3.] 4. The director of revenue shall deposit annually the amount of two  
24 hundred fifty thousand dollars to the state forensic laboratory account  
25 administered by the department of public safety to provide financial assistance  
26 to defray expenses of crime laboratories if such analytical laboratories are  
27 registered with the federal Drug Enforcement Agency or the Missouri department  
28 of health and senior services. Subject to appropriations made therefor, such  
29 funds shall be distributed by the department of public safety to the crime  
30 laboratories serving the courts of this state making analysis of a controlled  
31 substance or analysis of blood, breath or urine in relation to a court proceeding.

32           [4.] 5. The remaining funds collected under subsection 1 of this section  
33 shall be denoted to the payment of an annual appropriation for the administrative  
34 and operational costs of the office for victims of crime and, if a statewide  
35 automated crime victim notification system is established pursuant to section  
36 650.310, RSMo, to the monthly payment of expenditures actually incurred in the  
37 operation of such system. Additional remaining funds shall be subject to the  
38 following provisions:

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



42 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

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

47 [5.] 6. The director of revenue or such director's designee shall at least  
48 monthly report the moneys paid pursuant to this section into the crime victims'  
49 compensation fund and the services to victims fund to the [division of workers'  
50 compensation and the] department of public safety[, respectively].

51 [6.] 7. The moneys collected by clerks of municipal courts pursuant to  
52 subsection 1 of this section shall be collected and disbursed as provided by  
53 sections 488.010 to 488.020, RSMo. Five percent of such moneys shall be payable  
54 to the city treasury of the city from which such funds were collected. The  
55 remaining ninety-five percent of such moneys shall be payable to the director of  
56 revenue. The funds received by the director of revenue pursuant to this  
57 subsection shall be distributed as follows:

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

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

66 [7.] 8. These funds shall be subject to a biennial audit by the Missouri  
67 state auditor. Such audit shall include all records associated with crime victims'  
68 compensation funds collected, held or disbursed by any state agency.

69 [8.] 9. In addition to the moneys collected pursuant to subsection 1 of  
70 this section, the court shall enter a judgment in favor of the state of Missouri,  
71 payable to the crime victims' compensation fund, of sixty-eight dollars upon a plea  
72 of guilty or a finding of guilt for a class A or B felony; forty-six dollars upon a  
73 plea of guilty or finding of guilt for a class C or D felony; and ten dollars upon a  
74 plea of guilty or a finding of guilt for any misdemeanor under Missouri law except  
75 for those in chapter 252, RSMo, relating to fish and game, chapter 302, RSMo,  
76 relating to drivers' and commercial drivers' license, chapter 303, RSMo, relating  
77 to motor vehicle financial responsibility, chapter 304, RSMo, relating to traffic

78 regulations, chapter 306, RSMo, relating to watercraft regulation and licensing,  
79 and chapter 307, RSMo, relating to vehicle equipment regulations. Any clerk of  
80 the court receiving moneys pursuant to such judgments shall collect and disburse  
81 such crime victims' compensation judgments in the manner provided by sections  
82 488.010 to 488.020, RSMo. Such funds shall be payable to the state treasury and  
83 deposited to the credit of the crime victims' compensation fund.

84 [9.] 10. The clerk of the court processing such funds shall maintain  
85 records of all dispositions described in subsection 1 of this section and all  
86 dispositions where a judgment has been entered against a defendant in favor of  
87 the state of Missouri in accordance with this section; all payments made on  
88 judgments for alcohol-related traffic offenses; and any judgment or portion of a  
89 judgment entered but not collected. These records shall be subject to audit by the  
90 state auditor. The clerk of each court transmitting such funds shall report  
91 separately the amount of dollars collected on judgments entered for  
92 alcohol-related traffic offenses from other crime victims' compensation collections  
93 or services to victims collections.

94 [10.] 11. The department of revenue shall maintain records of funds  
95 transmitted to the crime victims' compensation fund by each reporting court and  
96 collections pursuant to subsection 16 of this section and shall maintain separate  
97 records of collection for alcohol-related offenses.

98 [11.] 12. The state courts administrator shall include in the annual  
99 report required by section 476.350, RSMo, the circuit court caseloads and the  
100 number of crime victims' compensation judgments entered.

101 [12.] 13. All awards made to injured victims under sections 595.010 to  
102 595.105 and all appropriations for administration of sections 595.010 to 595.105,  
103 except sections 595.050 and 595.055, shall be made from the crime victims'  
104 compensation fund. Any unexpended balance remaining in the crime victims'  
105 compensation fund at the end of each biennium shall not be subject to the  
106 provision of section 33.080, RSMo, requiring the transfer of such unexpended  
107 balance to the ordinary revenue fund of the state, but shall remain in the crime  
108 victims' compensation fund. In the event that there are insufficient funds in the  
109 crime victims' compensation fund to pay all claims in full, all claims shall be paid  
110 on a pro rata basis. If there are no funds in the crime victims' compensation  
111 fund, then no claim shall be paid until funds have again accumulated in the crime  
112 victims' compensation fund. When sufficient funds become available from the  
113 fund, awards which have not been paid shall be paid in chronological order with

114 the oldest paid first. In the event an award was to be paid in installments and  
115 some remaining installments have not been paid due to a lack of funds, then  
116 when funds do become available that award shall be paid in full. All such awards  
117 on which installments remain due shall be paid in full in chronological order  
118 before any other postdated award shall be paid. Any award pursuant to this  
119 subsection is specifically not a claim against the state, if it cannot be paid due to  
120 a lack of funds in the crime victims' compensation fund.

121 [13.] 14. When judgment is entered against a defendant as provided in  
122 this section and such sum, or any part thereof, remains unpaid, there shall be  
123 withheld from any disbursement, payment, benefit, compensation, salary, or other  
124 transfer of money from the state of Missouri to such defendant an amount equal  
125 to the unpaid amount of such judgment. Such amount shall be paid forthwith to  
126 the crime victims' compensation fund and satisfaction of such judgment shall be  
127 entered on the court record. Under no circumstances shall the general revenue  
128 fund be used to reimburse court costs or pay for such judgment. The director of  
129 the department of corrections shall have the authority to pay into the crime  
130 victims' compensation fund from an offender's compensation or account the  
131 amount owed by the offender to the crime victims' compensation fund, provided  
132 that the offender has failed to pay the amount owed to the fund prior to entering  
133 a correctional facility of the department of corrections.

134 [14.] 15. All interest earned as a result of investing funds in the crime  
135 victims' compensation fund shall be paid into the crime victims' compensation  
136 fund and not into the general revenue of this state.

137 [15.] 16. Any person who knowingly makes a fraudulent claim or false  
138 statement in connection with any claim hereunder is guilty of a class A  
139 misdemeanor.

140 [16. Any gifts, contributions, grants or federal funds specifically given to  
141 the division for the benefit of victims of crime shall be credited to the crime  
142 victims' compensation fund. Payment or expenditure of moneys in such funds  
143 shall comply with any applicable federal crime victims' compensation laws, rules,  
144 regulations or other applicable federal guidelines] 17. **The department may  
145 receive gifts and contributions for the benefit of victims of  
146 crime. These contributions shall be credited to the crime victim  
147 compensation fund and used solely for compensating victims under the  
148 provisions of sections 595.010 to 595.075.**

595.060. The director shall promulgate rules and regulations necessary

2 to implement the provisions of sections 595.010 to 595.070 as provided in this  
3 section and chapter 536, RSMo. In the performance of its functions under  
4 sections 595.010 to 595.070, the [division] **department** is authorized to  
5 promulgate rules pursuant to chapter 536, RSMo, prescribing the procedures to  
6 be followed in the filing of applications and the proceedings under sections  
7 595.010 to 595.070. No rule or portion of a rule promulgated under the authority  
8 of this chapter shall become effective unless it has been promulgated pursuant  
9 to the provisions of section 536.024, RSMo.

**621.060. 1. Any person seeking compensation under the**  
2 **provisions of sections 595.100 to 595.070, RSMo, who is aggrieved by the**  
3 **decision of the department of public safety regarding his or her**  
4 **compensation claim may seek review by the administrative hearing**  
5 **commission of the department's decision.**

6 **2. The procedures applicable to the processing of such hearings**  
7 **and determinations shall be those established by chapter 536,**  
8 **RSMo. Decisions of the administrative hearing commission under this**  
9 **section shall be binding subject to appeal by either party.**

Section B. Because of the need to ensure safe and efficient administration  
2 of the approval and licensing of personnel, methods, and devices for the testing  
3 of blood alcohol content, the repeal and reenactment of sections 306.114, 306.117,  
4 577.020, 577.026, 577.037, and 577.208 of this act is deemed necessary for the  
5 immediate preservation of the public health, welfare, peace and safety, and is  
6 hereby declared to be an emergency act within the meaning of the constitution,  
7 and the repeal and reenactment of sections 306.114, 306.117, 577.020, 577.026,  
8 577.037, and 577.208 of this act shall be in full force and effect upon its passage  
9 and approval, or July 1, 2006, whichever later occurs.

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