

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 702, Page 1, In the Title, Lines 2-4, by deleting the phrase "the use of
2 hand-held electronic wireless communications devices by persons operating motor vehicles for
3 compensation while transporting passengers" and inserting in lieu thereof the following:
4 "transportation"; and
5

6 Further amend said bill, Page 3, Section 304.823, Line 63, by inserting after all of said line the
7 following:

8 "304.825. Notwithstanding any other provision of law, upon motion of the defendant, if the
9 court finds that the defendant is indigent or is without sufficient disposable income to pay restitution,
10 court costs, fees, expenses, or fines in whole or in installments over a period of one year, the court of
11 jurisdiction shall be required to consider sentencing the defendant to perform community service
12 under such conditions as may be established by the court, in lieu of paying restitution, court costs,
13 fees, expenses, or fines, for all traffic offenses deemed infractions or class C misdemeanors under
14 this chapter or violations of any ordinance or political subdivision of this state. If a person is not
15 indigent, the court of jurisdiction may offer community service in lieu of a fine for such offenses;
16 however, the defendant shall be responsible for paying all court costs, fees, and expenses. Once a
17 defendant is sentenced to perform community service in lieu of paying a fine under the provisions of
18 this section, he or she shall be ineligible for a community service sentence for future traffic offenses
19 within the same jurisdiction within the twelve-month time period following the date of the traffic
20 offense for which community service was ordered.

21 304.826. 1. Notwithstanding any other provision of law, the court of jurisdiction shall
22 sentence a defendant who is fifteen to seventeen years old or a defendant who is eighteen years old
23 and enrolled in a secondary school to perform community service under the community service
24 program established in subsection 2 of this section and such conditions as may be established by the
25 court, in lieu of paying restitution, court costs, fees, expenses, or fines, for all traffic offenses deemed
26 infractions or class C misdemeanors under this chapter or violations of any ordinance or political
27 subdivision of this state.

28 2. There is hereby established the "Community Service Program", which shall include the
29 performance of services at a local, regional, or state level, as determined by the court of jurisdiction.
30 Such services shall be directed toward residents, businesses, schools, and churches. Such program
31 shall also provide defendants under subsection 1 of this section with the following:

- 32 (1) Job skill training;
- 33 (2) Psychological, drug-related, social, or family counseling, as deemed appropriate;
- 34 (3) Guided inclusion in positive youth-directed activities and peer counseling.

35 3. There is hereby created in the state treasury the "Community Service Program Fund",
36 which shall consist of moneys from any gifts, contributions, grants, bequests, or other aid received

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1 from federal, private, or other sources. The state treasurer shall be custodian of the fund. In
2 accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The
3 fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for
4 the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary,
5 any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the
6 general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as
7 other funds are invested. Any interest and moneys earned on such investments shall be credited to
8 the fund.

9 4. Under section 23.253 of the Missouri sunset act:

10 (1) The provisions of the new program authorized under this section shall automatically
11 sunset six years after the effective date of this section unless reauthorized by an act of the general
12 assembly; and

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

15 (3) This section shall terminate on September first of the calendar year immediately
16 following the calendar year in which the program authorized under this section is sunset."; and
17

18 Further amend said bill by amending the title, enacting clause, and intersectional references
19 accordingly.