

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 429
94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GIBBONS.

Offered April 10, 2007.

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TERRY L. SPIELER, Secretary.

0635S.07P

AN ACT

To repeal sections 191.225, 431.056, 565.072, 595.030, and 595.209, RSMo, and to enact in lieu thereof seventeen new sections relating to crime victims, with penalty provisions.

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

Section A. Sections 191.225, 431.056, 565.072, 595.030, and 595.209, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 191.225, 431.056, 455.003, 565.072, 566.224, 566.226, 589.660, 589.663, 589.666, 589.669, 589.672, 589.675, 589.678, 589.681, 589.683, 595.030, and 595.209, to read as follows:

191.225. 1. The department of health and senior services shall make payments to [hospitals and physicians] **appropriate medical providers**, out of appropriations made for that purpose, to cover the [cost] **charges** of the [medical] **forensic** examination [not covered by insurance, Medicare or Medicaid] of persons who may be a victim of [the crime of rape as defined in section 566.030, RSMo, or a victim of a crime as defined in chapter 566, RSMo, or sections 568.020, 568.050, 568.060, 568.080, 568.090, 568.110, and 568.175, RSMo,] **a sexual offense** if:

(1) The victim or the victim's guardian consents in writing to the examination;

(2) The report of the examination is made on a form approved by the

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

12 attorney general with the advice of the department of health and senior services;
13 and

14 (3) The report of the examination is filed [by the victim] with the
15 prosecuting attorney of the county in which the alleged incident occurred.

16 **The appropriate medical provider shall file the report of the**
17 **examination within three business days of completion of the forensic**
18 **exam.**

19 2. A minor may consent to examination under this section. Such consent
20 is not subject to disaffirmance because of minority, and consent of parent or
21 guardian of the minor is not required for such examination. The [hospital or
22 physician] **appropriate medical provider** making the examination shall give
23 written notice to the parent or guardian of a minor that such an examination has
24 taken place.

25 3. The attorney general, with the advice of the department of health and
26 senior services, shall develop the forms and procedures for gathering evidence
27 **during the forensic examination** under the provisions of this section [and
28 shall furnish every hospital and physician in this state with copies of such forms
29 and procedures.

30 4. Reasonable hospital and physicians]. **The department of health**
31 **and senior services shall develop a checklist for appropriate medical**
32 **providers to refer to while providing medical treatment to victims of**
33 **a sexual offense.**

34 4. Evidentiary collection kits shall be developed and made
35 available, subject to appropriation, to appropriate medical providers
36 by the highway patrol or its designees and eligible crime
37 laboratories. Such kits shall be distributed with the forms and
38 procedures for gathering evidence during forensic examinations of
39 victims of a sexual offense to appropriate medical providers upon
40 request of the provider, in the amount requested, and at no charge to
41 the medical provider. All appropriate medical providers shall, with the
42 written consent of the victim, perform a forensic examination using the
43 evidentiary collection kit and forms and procedures for gathering
44 evidence following the checklist for any person presenting as a victim
45 of a sexual offense.

46 5. All appropriate medical provider charges for eligible forensic
47 examinations shall be billed to and paid by the department of health and senior

48 services. **No appropriate medical provider conducting forensic**
49 **examinations and providing medical treatment to victims of sexual**
50 **offenses shall charge the victim for the forensic examination. For**
51 **appropriate medical provider charges related to the medical treatment**
52 **of victims of sexual offenses, if the victim is an eligible claimant under**
53 **the crime victims' compensation fund, the appropriate medical provider**
54 **shall seek compensation under sections 595.010 to 595.075, RSMo.**

55 **6. For purposes of this section, the following terms mean:**

56 **(1) "Appropriate medical provider", any licensed nurse,**
57 **physician, or physician assistant, and any institution employing**
58 **licensed nurses, physicians, or physician assistants; provided that such**
59 **licensed professionals are the only persons at such institution to**
60 **perform tasks under the provisions of this section;**

61 **(2) "Evidentiary collection kit", a kit used during a forensic**
62 **examination that includes materials necessary for appropriate medical**
63 **providers to gather evidence in accordance with the forms and**
64 **procedures developed by the attorney general for forensic**
65 **examinations;**

66 **(3) "Forensic examination", an examination performed by an**
67 **appropriate medical provider on a victim of an alleged sexual offense**
68 **to gather evidence for the evidentiary collection kit;**

69 **(4) "Medical treatment", the treatment of all injuries and health**
70 **concerns resulting directly from a patient's sexual assault or**
71 **victimization.**

431.056. A minor shall be qualified and competent to contract for housing,
2 employment, purchase of an automobile, receipt of a student loan, admission to
3 high school or postsecondary school, obtaining medical care, establishing a bank
4 account [and], admission to a shelter for victims of domestic violence, as defined
5 in section 455.200, RSMo, or a homeless shelter, **and receipt of services as a**
6 **victim of domestic and sexual violence, including but not limited to**
7 **counseling, court advocacy, financial assistance, and other advocacy**
8 **services, if:**

9 **(1) The minor is sixteen or seventeen years of age; and**

10 **(2) The minor is homeless, as defined in subsection 1 of section 167.020,**
11 **RSMo, or a victim of domestic violence, as defined in section 455.200, RSMo,**
12 **unless the child is under the supervision of the children's division or the**
13 **jurisdiction of the juvenile court; and**

14 (3) The minor is self-supporting, such that the minor is without the
15 physical or financial support of a parent or legal guardian; and

16 (4) The minor's parent or legal guardian has consented to the minor living
17 independent of the parents' or guardians' control. Consent may be expressed or
18 implied, such that:

19 (a) Expressed consent is any verbal or written statement made by the
20 parents or guardian of the minor displaying approval or agreement that the
21 minor may live independently of the parent's or guardian's control;

22 (b) Implied consent is any action made by the parent or guardian of the
23 minor that indicates the parent or guardian is unwilling or unable to adequately
24 care for the minor. Such actions may include, but are not limited to:

25 a. Barring the minor from the home or otherwise indicating that the
26 minor is not welcome to stay;

27 b. Refusing to provide any or all financial support for the minor; or

28 c. Abusing or neglecting the minor, as defined in section 210.110, RSMo.

**455.003. 1. In order to qualify to receive state funds, a rape crisis
2 center shall:**

3 **(1) Require persons employed by or volunteering services to the**
4 **rape crisis center to maintain confidentiality of any information that**
5 **would identify individuals served by the center and any information or**
6 **records that are directly related to the advocacy services provided to**
7 **such individuals; and**

8 **(2) Prior to providing any advocacy services, inform individuals**
9 **served by the rape crisis center of the nature and scope of the**
10 **confidentiality requirements of subdivision (1) of this subsection.**

11 **2. Any person employed by or volunteering services to a rape**
12 **crisis center for victims of sexual assault shall be incompetent to testify**
13 **concerning any confidential information in subsection 1 of this section,**
14 **unless the confidentiality requirements is waived in writing by the**
15 **individual served by the center.**

16 **3. As used in this section, the term "rape crisis center" shall mean**
17 **any public or private agency that offers assistance to victims of sexual**
18 **assault, as the term "sexual assault" is defined in section 455.010, who**
19 **are adults, as defined by section 455.010.**

565.072. 1. A person commits the crime of domestic assault in the first
2 degree if he or she attempts to kill or knowingly causes or attempts to cause

3 serious physical injury to a family or household member or an adult who is or has
4 been in a continuing social relationship of a romantic or intimate nature with the
5 actor, as defined in section 455.010, RSMo.

6 2. Domestic assault in the first degree is a class B felony unless in the
7 course thereof the actor inflicts serious physical injury on the victim **or has**
8 **previously pleaded guilty to or been found guilty of committing this**
9 **crime**, in which case it is a class A felony.

566.224. No prosecuting or circuit attorney, peace officer,
2 governmental official, or employee of a law enforcement agency shall
3 request or require a victim of sexual assault under section 566.040
4 RSMo or forcible rape under section 566.030 RSMo to submit to any
5 polygraph test or psychological stress evaluator exam as a condition for
6 proceeding with a criminal investigation of such crime.

566.226. 1. After August 28, 2007, any information contained in
2 any court record, whether written or published on the Internet, that
3 could be used to identify or locate any victim of sexual assault or
4 forcible rape shall be closed and redacted from such record prior to
5 disclosure to the public. Identifying information shall include the
6 name, home or temporary address, telephone number, social security
7 number or physical characteristics.

8 2. If the court determines that a person or entity who is
9 requesting identifying information of a victim has a legitimate interest
10 in obtaining such information, the court may allow access to the
11 information, but only if the court determines that disclosure to the
12 person or entity would not compromise the welfare or safety of such
13 victim.

589.660. As used in sections 589.660 to 589.681, the following
2 terms mean:

3 (1) "Address", a residential street address, school address, or
4 work address of a person, as specified on the person's application to be
5 a program participant;

6 (2) "Application assistant", an employee of a state or local agency,
7 or of a nonprofit program that provides counseling, referral, shelter, or
8 other specialized service to victims of domestic violence, rape, sexual
9 assault, or stalking, who has been designated by the respective agency
10 or program, and who has been trained and registered by the secretary
11 of state to assist individuals in the completion of program participation

12 applications;

13 (3) "Designated address", the address assigned to a program
14 participant by the secretary;

15 (4) "Mailing address", an address that is recognized for delivery
16 by the United States Postal Service;

17 (5) "Program", the address confidentiality program established
18 in section 589.663;

19 (6) "Program participant", a person certified by the secretary of
20 state as eligible to participate in the address confidentiality program;

21 (7) "Secretary", the secretary of state.

589.663. There is created in the office of the secretary of state a
2 program to be known as the "Address Confidentiality Program" to
3 protect victims of domestic violence, rape, sexual assault, or stalking
4 by authorizing the use of designated addresses for such victims and
5 their minor children. The program shall be administered by the
6 secretary under the following application and certification procedures:

7 (1) An adult person, a parent or guardian acting on behalf of a
8 minor, or a guardian acting on behalf of an incapacitated person may
9 apply to the secretary to have a designated address assigned by the
10 secretary to serve as the person's address or the address of the minor
11 or incapacitated person;

12 (2) The secretary may approve an application only if it is filed
13 with the office of the secretary in the manner established by rule and
14 on a form prescribed by the secretary. A completed application shall
15 contain:

16 (a) The application preparation date, the applicant's signature,
17 and the signature and registration number of the application assistant
18 who assisted the applicant in applying to be a program participant;

19 (b) A designation of the secretary as agent for purposes of
20 service of process and for receipt of first-class mail, legal documents,
21 and certified mail;

22 (c) A sworn statement by the applicant that the applicant has
23 good reason to believe that he or she:

24 a. Is a victim of domestic violence, rape, sexual assault, or
25 stalking; and

26 b. Fears further violent acts from his or her assailant;

27 (d) The mailing address where the applicant may be contacted

28 by the secretary or a designee and the telephone number or numbers
29 where the applicant may be called by the secretary or the secretary's
30 designee; and

31 (e) One or more addresses that the applicant requests not be
32 disclosed for the reason that disclosure will jeopardize the applicant's
33 safety or increase the risk of violence to the applicant or members of
34 the applicant's household;

35 (3) Upon receipt of a properly completed application, the
36 secretary may certify the applicant as a program participant. A
37 program participant is certified for four years following the date of
38 initial certification unless the certification is withdrawn or cancelled
39 before that date. The secretary shall send notification of lapsing
40 certification and a reapplication form to a program participant at least
41 four weeks prior to the expiration of the program participant's
42 certification;

43 (4) The secretary shall forward first-class mail, legal documents,
44 and certified mail to the appropriate program participants.

589.666. Certification of a program participant may be cancelled
2 by the secretary if one or more of the following conditions apply:

3 (1) If the program participant obtains a name change, unless the
4 program participant provides the secretary with documentation of a
5 legal name change within ten business days of the name change;

6 (2) If there is a change in the mailing address from the person
7 listed on the application, unless the program participant provides the
8 secretary with notice of the change in such manner as the secretary
9 provides by rule; or

10 (3) The applicant or program participant violates subsection 2
11 of section 589.663.

589.669. Upon demonstration of a program participant's
2 certification in the program, state and local agencies and the courts
3 shall accept the designated address as a program participant's address
4 when creating a new public record unless the secretary has determined
5 that:

6 (1) The agency has a bona fide statutory or administrative
7 requirement for the use of the program participant's address or mailing
8 address, such that it is unable to fulfill its statutory duties and
9 obligations without the address; and

10 (2) The program participant's address or mailing address shall
11 be used only for those statutory and administrative purposes.

 589.672. If the secretary deems it appropriate, the secretary may
2 make a program participant's address or mailing address available for
3 inspection or copying, under the following circumstances:

4 (1) If requested of the secretary by a law enforcement agency in
5 the manner provided for by rule; or

6 (2) Upon request to the secretary by a director of a state agency
7 or the director's designee in the manner provided for by rule and upon
8 a showing of a bona fide statutory or administrative requirement for
9 the use of the program participant's address or mailing address, such
10 that the director or the director's designee is unable to fulfill statutory
11 duties and obligations without the address or mailing address.

 589.675. If the secretary deems it appropriate, the secretary shall
2 make a program participant's address and mailing address available for
3 inspection or copying under the following circumstances:

4 (1) To a person identified in a court order, upon the secretary's
5 receipt of such court order that specifically orders the disclosure of a
6 particular program participant's address and mailing address and the
7 reasons stated for the disclosure; or

8 (2) If the certification has been cancelled because the applicant
9 or program participant violated subsection 2 of section 589.663.

 589.678. A program participant's application and supporting
2 materials are not a public record and shall be kept confidential by the
3 secretary.

 589.681. The secretary shall promulgate rules to establish and
2 administer the address confidentiality program. Any rule or portion of
3 a rule, as that term is defined in section 536.010, RSMo, that is created
4 under the authority delegated in sections 589.660 to 589.681 shall
5 become effective only if it complies with and is subject to all of the
6 provisions of chapter 536, RSMo, and, if applicable, section 536.028,
7 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
8 of the powers vested with the general assembly pursuant to chapter
9 536, RSMo, to review, to delay the effective date, or to disapprove and
10 annul a rule are subsequently held unconstitutional, then the grant of
11 rulemaking authority and any rule proposed or adopted after August
12 28, 2007, shall be invalid and void.

589.683. Pursuant to section 23.253, RSMo, of the Missouri Sunset

2 Act:

3 (1) Any new program authorized under sections 589.660 to
4 589.681 shall automatically sunset six years after the effective date of
5 sections 589.660 to 589.681 unless reauthorized by an act of the general
6 assembly; and

7 (2) If such program is reauthorized, the program authorized
8 under sections 589.660 to 589.681 shall automatically sunset twelve
9 years after the effective date of the reauthorization of sections 589.660
10 to 589.681; and

11 (3) Sections 589.660 to 589.681 shall terminate on September
12 first of the calendar year immediately following the calendar year in
13 which a program authorized under sections 589.660 to 589.681 is sunset.

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:

6 (1) For medical care or other services, including psychiatric, psychological
7 or counseling expenses, necessary as a result of the crime upon which the claim
8 is based, except that the amount paid for psychiatric, psychological or counseling
9 expenses per eligible claim shall not exceed two thousand five hundred dollars;
10 or

11 (2) As a result of personal property being seized in an
12 investigation by law enforcement.

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

24 **a report of the offense to the proper authorities shall include, but not**
25 **be limited to, the filing of the report of the forensic examination by the**
26 **appropriate medical provider, as defined in section 191.225, RSMo, with**
27 **the prosecuting attorney of the county in which the alleged incident**
28 **occurred.**

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

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

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

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

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

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

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

48 6. Any compensation for loss of earnings or support from gainful
49 employment shall be in an amount equal to the actual loss sustained not to
50 exceed two hundred dollars per week; provided, however, that no award pursuant
51 to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars. If two
52 or more persons are entitled to compensation as a result of the death of a person
53 which is the direct result of a crime or in the case of a sexual assault, the
54 compensation shall be apportioned by the division of workers' compensation
55 among the claimants in proportion to their loss.

56 7. The method and timing of the payment of any compensation pursuant
57 to sections 595.010 to 595.075 shall be determined by the division.

595.209. 1. The following rights shall automatically be afforded to victims
2 of dangerous felonies, as defined in section 556.061, RSMo, victims of murder in

3 the first degree, as defined in section 565.020, RSMo, victims of voluntary
4 manslaughter, as defined in section 565.023, RSMo, and victims of an attempt to
5 commit one of the preceding crimes, as defined in section 564.011, RSMo; and,
6 upon written request, the following rights shall be afforded to victims of all other
7 crimes and witnesses of crimes:

8 (1) For victims, the right to be present at all criminal justice proceedings
9 at which the defendant has such right, including juvenile proceedings where the
10 offense would have been a felony if committed by an adult, even if the victim is
11 called to testify or may be called to testify as a witness in the case;

12 (2) For victims, the right to information about the crime, as provided for
13 in subdivision (5) of this subsection;

14 (3) For victims and witnesses, to be informed, in a timely manner, by the
15 prosecutor's office of the filing of charges, preliminary hearing dates, trial dates,
16 continuances and the final disposition of the case. Final disposition information
17 shall be provided within five days;

18 (4) For victims, the right to confer with and to be informed by the
19 prosecutor regarding bail hearings, guilty pleas, pleas under chapter 552, RSMo,
20 or its successors, hearings, sentencing and probation revocation hearings and the
21 right to be heard at such hearings, including juvenile proceedings, unless in the
22 determination of the court the interests of justice require otherwise;

23 (5) The right to be informed by local law enforcement agencies, the
24 appropriate juvenile authorities or the custodial authority of the following:

25 (a) The status of any case concerning a crime against the victim, including
26 juvenile offenses;

27 (b) The right to be informed by local law enforcement agencies or the
28 appropriate juvenile authorities of the availability of victim compensation
29 assistance, assistance in obtaining documentation of the victim's losses, including,
30 but not limited to and subject to existing law concerning protected information
31 or closed records, access to copies of complete, unaltered, unedited investigation
32 reports of motor vehicle, pedestrian, and other similar accidents upon request to
33 the appropriate law enforcement agency by the victim or the victim's
34 representative, and emergency crisis intervention services available in the
35 community;

36 (c) Any release of such person on bond or for any other reason;

37 (d) Within twenty-four hours, any escape by such person from a municipal
38 detention facility, county jail, a correctional facility operated by the department

39 of corrections, mental health facility, or the division of youth services or any
40 agency thereof, and any subsequent recapture of such person;

41 (6) For victims, the right to be informed by appropriate juvenile
42 authorities of probation revocation hearings initiated by the juvenile authority
43 and the right to be heard at such hearings or to offer a written statement, video
44 or audio tape, **or a statement by counsel or a representative designated**
45 **by the victim on behalf of the victim** in lieu of a personal appearance, the
46 right to be informed by the board of probation and parole of probation revocation
47 hearings initiated by the board and of parole hearings, the right to be present at
48 each and every phase of parole hearings [and], the right to be heard at probation
49 revocation and parole hearings or to offer a written statement, video or audio tape
50 in lieu of a personal appearance, **and the right to have, upon written**
51 **request of the victim, a partition set up in the probation or parole**
52 **hearing room in such a way that the victim is shielded from the view**
53 **of the probationer or parolee**, and the right to be informed by the custodial
54 mental health facility or agency thereof of any hearings for the release of a person
55 committed pursuant to the provisions of chapter 552, RSMo, the right to be
56 present at such hearings, the right to be heard at such hearings or to offer a
57 written statement, video or audio tape, **or a statement by counsel or a**
58 **representative designated by the victim** in lieu of personal appearance;

59 (7) For victims and witnesses, upon their written request, the right to be
60 informed by the appropriate custodial authority, including any municipal
61 detention facility, juvenile detention facility, county jail, correctional facility
62 operated by the department of corrections, mental health facility, division of
63 youth services or agency thereof if the offense would have been a felony if
64 committed by an adult, postconviction or commitment pursuant to the provisions
65 of chapter 552, RSMo, of the following:

66 (a) The projected date of such person's release from confinement;

67 (b) Any release of such person on bond;

68 (c) Any release of such person on furlough, work release, trial release,
69 electronic monitoring program, or to a community correctional facility or program
70 or release for any other reason, in advance of such release;

71 (d) Any scheduled parole or release hearings, including hearings under
72 section 217.362, RSMo, regarding such person and any changes in the scheduling
73 of such hearings. No such hearing shall be conducted without thirty days'
74 advance notice;

75 (e) Within twenty-four hours, any escape by such person from a municipal
76 detention facility, county jail, a correctional facility operated by the department
77 of corrections, mental health facility, or the division of youth services or any
78 agency thereof, and any subsequent recapture of such person;

79 (f) Any decision by a parole board, by a juvenile releasing authority or by
80 a circuit court presiding over releases pursuant to the provisions of chapter 552,
81 RSMo, or by a circuit court presiding over releases under section 217.362, RSMo,
82 to release such person or any decision by the governor to commute the sentence
83 of such person or pardon such person;

84 (g) Notification within thirty days of the death of such person;

85 (8) For witnesses who have been summoned by the prosecuting attorney
86 and for victims, to be notified by the prosecuting attorney in a timely manner
87 when a court proceeding will not go on as scheduled;

88 (9) For victims and witnesses, the right to reasonable protection from the
89 defendant or any person acting on behalf of the defendant from harm and threats
90 of harm arising out of their cooperation with law enforcement and prosecution
91 efforts;

92 (10) For victims and witnesses, on charged cases or submitted cases where
93 no charge decision has yet been made, to be informed by the prosecuting attorney
94 of the status of the case and of the availability of victim compensation assistance
95 and of financial assistance and emergency and crisis intervention services
96 available within the community and information relative to applying for such
97 assistance or services, and of any final decision by the prosecuting attorney not
98 to file charges;

99 (11) For victims, to be informed by the prosecuting attorney of the right
100 to restitution which shall be enforceable in the same manner as any other cause
101 of action as otherwise provided by law;

102 (12) For victims and witnesses, to be informed by the court and the
103 prosecuting attorney of procedures to be followed in order to apply for and receive
104 any witness fee to which they are entitled;

105 (13) When a victim's property is no longer needed for evidentiary reasons
106 or needs to be retained pending an appeal, the prosecuting attorney or any law
107 enforcement agency having possession of the property shall, upon request of the
108 victim, return such property to the victim within five working days unless the
109 property is contraband or subject to forfeiture proceedings, or provide written
110 explanation of the reason why such property shall not be returned;

111 (14) An employer may not discharge or discipline any witness, victim or
112 member of a victim's immediate family for honoring a subpoena to testify in a
113 criminal proceeding, **attending a criminal proceeding**, or for participating in
114 the preparation of a criminal proceeding, **or require any witness, victim, or**
115 **member of a victim's immediate family to use vacation time, personal**
116 **time, or sick leave for honoring a subpoena to testify in a criminal**
117 **proceeding, attending a criminal proceeding, or participating in the**
118 **preparation of a criminal proceeding;**

119 (15) For victims, to be provided with creditor intercession services by the
120 prosecuting attorney if the victim is unable, as a result of the crime, temporarily
121 to meet financial obligations;

122 (16) For victims and witnesses, the right to speedy disposition of their
123 cases, and for victims, the right to speedy appellate review of their cases,
124 provided that nothing in this subdivision shall prevent the defendant from having
125 sufficient time to prepare such defendant's defense. The attorney general shall
126 provide victims, upon their written request, case status information throughout
127 the appellate process of their cases. The provisions of this subdivision shall apply
128 only to proceedings involving the particular case to which the person is a victim
129 or witness;

130 (17) For victims and witnesses, to be provided by the court, a secure
131 waiting area during court proceedings and to receive notification of the date, time
132 and location of any hearing conducted by the court for reconsideration of any
133 sentence imposed, modification of such sentence or recall and release of any
134 defendant from incarceration.

135 2. The provisions of subsection 1 of this section shall not be construed to
136 imply any victim who is incarcerated by the department of corrections or any local
137 law enforcement agency has a right to be released to attend any hearing or that
138 the department of corrections or the local law enforcement agency has any duty
139 to transport such incarcerated victim to any hearing.

140 3. Those persons entitled to notice of events pursuant to the provisions of
141 subsection 1 of this section shall provide the appropriate person or agency with
142 their current addresses and telephone numbers or the addresses or telephone
143 numbers at which they wish notification to be given.

144 4. Notification by the appropriate person or agency utilizing the statewide
145 automated crime victim notification system as established in section 650.310,
146 RSMo, shall constitute compliance with the victim notification requirement of this

147 section. If notification utilizing the statewide automated crime victim notification
148 system cannot be used, then written notification shall be sent by certified mail
149 to the most current address provided by the victim.

150 5. Victims' rights as established in section 32 of article I of the Missouri
151 Constitution or the laws of this state pertaining to the rights of victims of crime
152 shall be granted and enforced regardless of the desires of a defendant and no
153 privileges of confidentiality shall exist in favor of the defendant to exclude victims
154 or prevent their full participation in each and every phase of parole hearings or
155 probation revocation hearings. The rights of the victims granted in this section
156 are absolute and the policy of this state is that the victim's rights are paramount
157 to the defendant's rights. The victim has an absolute right to be present at any
158 hearing in which the defendant is present before a probation and parole hearing
159 officer.

✓

Bill

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