

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 583

AN ACT

To repeal sections 191.225, 431.056, 565.072, 595.030, 595.036, 595.209, RSMo, and to enact in lieu thereof twenty new sections relating to crime victims, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 191.225, 431.056, 565.072, 595.030,
2 595.036, 595.209, RSMo, are repealed and twenty new sections, to
3 be known as sections 191.225, 217.692, 431.056, 455.003, 455.038,
4 565.072, 566.224, 566.226, 589.660, 589.663, 589.666, 589.669,
5 589.672, 589.675, 589.678, 589.681, 589.683, 595.030, 595.036,
6 and 595.209, to read as follows:

7 191.225. 1. The department of health and senior services
8 shall make payments to [hospitals and physicians] appropriate
9 medical providers, out of appropriations made for that purpose,
10 to cover the [cost] charges of the [medical] forensic examination
11 [not covered by insurance, Medicare or Medicaid] of persons who
12 may be a victim of [the crime of rape as defined in section
13 566.030, RSMo, or a victim of a crime as defined in chapter 566,

1 RSMo, or sections 568.020, 568.050, 568.060, 568.080, 568.090,
2 568.110, and 568.175, RSMo,] a sexual offense if:

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

5 (2) The report of the examination is made on a form
6 approved by the attorney general with the advice of the
7 department of health and senior services; and

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

11
12 The appropriate medical provider shall file the report of the
13 examination within three business days of completion of the
14 forensic exam.

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

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

28 4. Reasonable hospital and physicians]. The department of

1 health and senior services shall develop a checklist for
2 appropriate medical providers to refer to while providing medical
3 treatment to victims of a sexual offense.

4 4. Evidentiary collection kits shall be developed and made
5 available, subject to appropriation, to appropriate medical
6 providers by the highway patrol or its designees and eligible
7 crime laboratories. Such kits shall be distributed with the
8 forms and procedures for gathering evidence during forensic
9 examinations of victims of a sexual offense to appropriate
10 medical providers upon request of the provider, in the amount
11 requested, and at no charge to the medical provider. All
12 appropriate medical providers shall, with the written consent of
13 the victim, perform a forensic examination using the evidentiary
14 collection kit and forms and procedures for gathering evidence
15 following the checklist for any person presenting as a victim of
16 a sexual offense.

17 5. All appropriate medical provider charges for eligible
18 forensic examinations shall be billed to and paid by the
19 department of health and senior services. No appropriate medical
20 provider conducting forensic examinations and providing medical
21 treatment to victims of sexual offenses shall charge the victim
22 for the forensic examination. For appropriate medical provider
23 charges related to the medical treatment of victims of sexual
24 offenses, if the victim is an eligible claimant under the crime
25 victims' compensation fund, the appropriate medical provider
26 shall seek compensation under sections 595.010 to 595.075, RSMo.

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

28 (1) "Appropriate medical provider", any licensed nurse,

1 physician, or physician assistant, and any institution employing
2 licensed nurses, physicians, or physician assistants; provided
3 that such licensed professionals are the only persons at such
4 institution to perform tasks under the provisions of this
5 section;

6 (2) "Evidentiary collection kit", a kit used during a
7 forensic examination that includes materials necessary for
8 appropriate medical providers to gather evidence in accordance
9 with the forms and procedures developed by the attorney general
10 for forensic examinations;

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

14 (4) "Medical treatment", the treatment of all injuries and
15 health concerns resulting directly from a patient's sexual
16 assault or victimization.

17 217.692. 1. Notwithstanding any other provision of law to
18 the contrary, any offender incarcerated in a correctional
19 institution serving any sentence of life with no parole for fifty
20 years or life without parole, whose plea of guilt was entered or
21 whose trial commenced prior to December 31, 1990, and who:

22 (1) Pleaded guilty to or was found guilty of a homicide of
23 a spouse or domestic partner;

24 (2) Has no prior violent felony convictions;

25 (3) No longer has a cognizable legal claim or legal
26 recourse; and

27 (4) Has a history of being a victim of continual and
28 substantial physical or sexual domestic violence that was not

1 presented as an affirmative defense at trial or sentencing and
2 such history can be corroborated with evidence of facts or
3 circumstances which existed at the time of the alleged physical
4 or sexual domestic violence of the offender, including but not
5 limited to witness statements, hospital records, social services
6 records, and law enforcement records;

7
8 shall be eligible for parole after having served fifteen years of
9 such sentence when the board determines by using the guidelines
10 established by this section, that there is a strong and
11 reasonable probability that the person will not thereafter
12 violate the law.

13 2. The board of probation and parole shall give a thorough
14 review of the case history and prison record of any offender
15 described in subsection 1 of this section. At the end of the
16 board's review, the board shall provide the offender with a copy
17 of a statement of reasons for its parole decision.

18 3. Any offender released under the provisions of this
19 section shall be under the supervision of the parole board for an
20 amount of time to be determined by the board.

21 4. The parole board shall consider, but not be limited to
22 the following criteria when making its parole decision:

23 (1) Length of time served;

24 (2) Prison record and self-rehabilitation efforts;

25 (3) Whether the history of the case included corroborative
26 material of physical, sexual, mental, or emotional abuse of the
27 offender, including but not limited to witness statements,
28 hospital records, social service records, and law enforcement

1 records;

2 (4) If an offer of a plea bargain was made and if so, why
3 the offender rejected or accepted the offer;

4 (5) Any victim information outlined in subsection 7 of
5 section 217.690 and section 595.209, RSMo;

6 (6) The offender's continued claim of innocence;

7 (7) The age and maturity of the offender at the time of the
8 board's decision;

9 (8) The age and maturity of the offender at the time of the
10 crime and any contributing influence affecting the offender's
11 judgment;

12 (9) The presence of a workable parole plan; and

13 (10) Community and family support.

14 5. Nothing in this section shall limit the review of any
15 offender's case who is eligible for parole prior to fifteen
16 years, nor shall it limit in any way the parole board's power to
17 grant parole prior to fifteen years.

18 6. Nothing in this section shall limit the review of any
19 offender's case who has applied for executive clemency, nor shall
20 it limit in any way the governor's power to grant clemency.

21 7. It shall be the responsibility of the offender to
22 petition the board for a hearing under this section.

23 8. A person commits the crime of perjury if he or she, with
24 the purpose to deceive, knowingly makes a false witness statement
25 to the board. Perjury under this section shall be a class C
26 felony.

27 9. In cases where witness statements alleging physical or
28 sexual domestic violence are in conflict as to whether such

1 violence occurred or was continual and substantial in nature, the
2 history of such alleged violence shall be established by other
3 corroborative evidence in addition to witness statements, as
4 provided by subsection 1 of this section. A contradictory
5 statement of the victim shall not be deemed a conflicting
6 statement for purposes of this section.

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

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

17 (2) The minor is homeless, as defined in subsection 1 of
18 section 167.020, RSMo, or a victim of domestic violence, as
19 defined in section 455.200, RSMo, unless the child is under the
20 supervision of the children's division or the jurisdiction of the
21 juvenile court; and

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

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

28 (a) Expressed consent is any verbal or written statement

1 made by the parents or guardian of the minor displaying approval
2 or agreement that the minor may live independently of the
3 parent's or guardian's control;

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

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

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

12 c. Abusing or neglecting the minor, as defined in section
13 210.110, RSMo.

14 455.003. 1. A rape crisis center shall:

15 (1) Require persons employed by or volunteering services to
16 the rape crisis center to maintain confidentiality of any
17 information that would identify individuals served by the center
18 and any information or records that are directly related to the
19 advocacy services provided to such individuals; and

20 (2) Prior to providing any advocacy services, inform
21 individuals served by the rape crisis center of the nature and
22 scope of the confidentiality requirements of subdivision (1) of
23 this subsection.

24 2. Any person employed by or volunteering services to a
25 rape crisis center for victims of sexual assault shall be
26 incompetent to testify concerning any confidential information in
27 subsection 1 of this section, unless the confidentiality
28 requirements is waived in writing by the individual served by the

1 center.

2 3. As used in this section, the term "rape crisis center"
3 shall mean any public or private agency that offers assistance to
4 victims of sexual assault, as the term "sexual assault" is
5 defined in section 455.010, who are adults, as defined by section
6 455.010, or qualified minors, as defined by section 431.056,
7 RSMo.

8 455.038. Every circuit clerk shall be responsible for
9 providing information to individuals petitioning for ex parte
10 orders of protection regarding notification of service of these
11 orders of protection. Such notification to the petitioner is
12 required if the petitioner has registered a telephone number with
13 the victim notification system, established under subsection 3 of
14 section 650.310, RSMo. The petitioner shall be informed of his
15 or her option to receive notification of service of an ex parte
16 order of protection on the respondent by the circuit clerk and
17 shall be provided information on how to receive notification of
18 service of ex parte orders of protection. The local law
19 enforcement agency or any other government agency responsible for
20 serving ex parte orders of protection shall notify the circuit
21 clerk when no more service attempts are planned by that agency.
22 The provisions of this section shall only apply to those circuit
23 clerks able to access a statewide victim notification system
24 designed to provide notification of service of orders of
25 protection.

26 565.072. 1. A person commits the crime of domestic assault
27 in the first degree if he or she attempts to kill or knowingly
28 causes or attempts to cause serious physical injury to a family

1 or household member or an adult who is or has been in a
2 continuing social relationship of a romantic or intimate nature
3 with the actor, as defined in section 455.010, RSMo.

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

9 566.224. No prosecuting or circuit attorney, peace officer,
10 governmental official, or employee of a law enforcement agency
11 shall request or require a victim of sexual assault under section
12 566.040 or forcible rape under section 566.030 to submit to any
13 polygraph test or psychological stress evaluator exam as a
14 condition for proceeding with a criminal investigation of such
15 crime.

16 566.226. 1. After August 28, 2007, any information
17 contained in any court record, whether written or published on
18 the Internet, that could be used to identify or locate any victim
19 of sexual assault, domestic assault, stalking, or forcible rape
20 shall be closed and redacted from such record prior to disclosure
21 to the public. Identifying information shall include the name,
22 home or temporary address, telephone number, social security
23 number or physical characteristics.

24 2. If the court determines that a person or entity who is
25 requesting identifying information of a victim has a legitimate
26 interest in obtaining such information, the court may allow
27 access to the information, but only if the court determines that
28 disclosure to the person or entity would not compromise the

1 welfare or safety of such victim.

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

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

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

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

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

19 (5) "Program", the address confidentiality program
20 established in section 589.663;

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

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

25 589.663. There is created in the office of the secretary of
26 state a program to be known as the "Address Confidentiality
27 Program" to protect victims of domestic violence, rape, sexual
28 assault, or stalking by authorizing the use of designated

1 addresses for such victims and their minor children. The program
2 shall be administered by the secretary under the following
3 application and certification procedures:

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

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

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

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

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

22 a. Is a victim of domestic violence, rape, sexual assault,
23 or stalking; and

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

25 (d) The mailing address where the applicant may be
26 contacted by the secretary or a designee and the telephone number
27 or numbers where the applicant may be called by the secretary or
28 the secretary's designee; and

1 (e) One or more addresses that the applicant requests not
2 be disclosed for the reason that disclosure will jeopardize the
3 applicant's safety or increase the risk of violence to the
4 applicant or members of the applicant's household;

5 (3) Upon receipt of a properly completed application, the
6 secretary may certify the applicant as a program participant. A
7 program participant is certified for four years following the
8 date of initial certification unless the certification is
9 withdrawn or cancelled before that date. The secretary shall
10 send notification of lapsing certification and a reapplication
11 form to a program participant at least four weeks prior to the
12 expiration of the program participant's certification;

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

16 589.666. Certification of a program participant may be
17 cancelled by the secretary if one or more of the following
18 conditions apply:

19 (1) If the program participant obtains a name change,
20 unless the program participant provides the secretary with
21 documentation of a legal name change within ten business days of
22 the name change;

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

27 (3) The applicant or program participant violates
28 subsection 2 of section 589.663.

1 589.669. Upon demonstration of a program participant's
2 certification in the program, state and local agencies and the
3 courts shall accept the designated address as a program
4 participant's address when creating a new public record unless
5 the secretary has determined that:

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

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

13 589.672. If the secretary deems it appropriate, the
14 secretary may make a program participant's address or mailing
15 address available for inspection or copying, under the following
16 circumstances:

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

19 (2) Upon request to the secretary by a director of a state
20 agency or the director's designee in the manner provided for by
21 rule and upon a showing of a bona fide statutory or
22 administrative requirement for the use of the program
23 participant's address or mailing address, such that the director
24 or the director's designee is unable to fulfill statutory duties
25 and obligations without the address or mailing address.

26 589.675. If the secretary deems it appropriate, the
27 secretary shall make a program participant's address and mailing
28 address available for inspection or copying under the following

1 circumstances:

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

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

9 589.678. A program participant's application and supporting
10 materials are not a public record and shall be kept confidential
11 by the secretary.

12 589.681. The secretary shall promulgate rules to establish
13 and administer the address confidentiality program. Any rule or
14 portion of a rule, as that term is defined in section 536.010,
15 RSMo, that is created under the authority delegated in sections
16 589.660 to 589.681 shall become effective only if it complies
17 with and is subject to all of the provisions of chapter 536,
18 RSMo, and, if applicable, section 536.028, RSMo. This section
19 and chapter 536, RSMo, are nonseverable and if any of the powers
20 vested with the general assembly pursuant to chapter 536, RSMo,
21 to review, to delay the effective date, or to disapprove and
22 annul a rule are subsequently held unconstitutional, then the
23 grant of rulemaking authority and any rule proposed or adopted
24 after August 28, 2007, shall be invalid and void.

25 589.683. Pursuant to section 23.253, RSMo, of the Missouri
26 Sunset Act:

27 (1) Any new program authorized under sections 589.660 to
28 589.681 shall automatically sunset six years after the effective

1 date of sections 589.660 to 589.681 unless reauthorized by an act
2 of the general assembly; and

3 (2) If such program is reauthorized, the program authorized
4 under sections 589.660 to 589.681 shall automatically sunset
5 twelve years after the effective date of the reauthorization of
6 sections 589.660 to 589.681; and

7 (3) Sections 589.660 to 589.681 shall terminate on
8 September first of the calendar year immediately following the
9 calendar year in which a program authorized under sections
10 589.660 to 589.681 is sunset.

11 595.030. 1. No compensation shall be paid unless the
12 claimant has incurred an out-of-pocket loss of at least fifty
13 dollars or has lost two continuous weeks of earnings or support
14 from gainful employment. "Out-of-pocket loss" shall mean
15 unreimbursed or unreimbursable expenses or indebtedness
16 reasonably incurred:

17 (1) For medical care or other services, including
18 psychiatric, psychological or counseling expenses, necessary as a
19 result of the crime upon which the claim is based, except that
20 the amount paid for psychiatric, psychological or counseling
21 expenses per eligible claim shall not exceed two thousand five
22 hundred dollars; or

23 (2) As a result of personal property being seized in an
24 investigation by law enforcement. Compensation paid for an "out-
25 of-pocket loss" under this subdivision shall be in an amount
26 equal to the loss sustained, but shall not exceed two hundred
27 fifty dollars.

28 2. No compensation shall be paid unless the division of

1 workers' compensation finds that a crime was committed, that such
2 crime directly resulted in personal physical injury to, or the
3 death of, the victim, and that police records show that such
4 crime was promptly reported to the proper authorities. In no
5 case may compensation be paid if the police records show that
6 such report was made more than forty-eight hours after the
7 occurrence of such crime, unless the division of workers'
8 compensation finds that the report to the police was delayed for
9 good cause. If the victim is under eighteen years of age such
10 report may be made by the victim's parent, guardian or custodian;
11 by a physician, a nurse, or hospital emergency room personnel; by
12 the division of family services personnel; or by any other member
13 of the victim's family. In the case of a sexual offense, filing
14 a report of the offense to the proper authorities may include,
15 but not be limited to, the filing of the report of the forensic
16 examination by the appropriate medical provider, as defined in
17 section 191.225, RSMo, with the prosecuting attorney of the
18 county in which the alleged incident occurred.

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

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

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

1 is provided;

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

5 (3) Clinical social worker licensed pursuant to chapter
6 337, RSMo; or

7 (4) Professional counselor licensed pursuant to chapter
8 337, RSMo.

9 5. Any compensation paid pursuant to sections 595.010 to
10 595.075 for death or personal injury shall be in an amount not
11 exceeding out-of-pocket loss, together with loss of earnings or
12 support from gainful employment, not to exceed two hundred
13 dollars per week, resulting from such injury or death. In the
14 event of death of the victim, an award may be made for reasonable
15 and necessary expenses actually incurred for preparation and
16 burial not to exceed five thousand dollars.

17 6. Any compensation for loss of earnings or support from
18 gainful employment shall be in an amount equal to the actual loss
19 sustained not to exceed two hundred dollars per week; provided,
20 however, that no award pursuant to sections 595.010 to 595.075
21 shall exceed twenty-five thousand dollars. If two or more
22 persons are entitled to compensation as a result of the death of
23 a person which is the direct result of a crime or in the case of
24 a sexual assault, the compensation shall be apportioned by the
25 division of workers' compensation among the claimants in
26 proportion to their loss.

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

1 the division.

2 595.036. 1. Any party aggrieved by a decision of the
3 department on a claim under the provisions of sections 595.010 to
4 595.070 may, within thirty days following the date of
5 notification of mailing of such decision, file a petition with
6 the division of workers' compensation of the department of labor
7 and industrial relations to have such decision heard de novo by
8 an administrative law judge. The administrative law judge may
9 affirm, reverse, or set aside the decision of the department of
10 public safety on the basis of the evidence previously submitted
11 in such case or may take additional evidence or may remand the
12 matter to the department of public safety with directions. The
13 division of workers' compensation shall promptly notify the
14 parties of its decision and the reasons therefor.

15 2. Any of the parties to a decision of an administrative
16 law judge of the division of workers' compensation, as provided
17 by subsection 1 of this section, on a claim heard under the
18 provisions of sections 595.010 to 595.070 may, within thirty days
19 following the date of notification or mailing of such decision,
20 file a petition with the labor and industrial relations
21 commission to have such decision reviewed by the commission. The
22 commission may allow or deny a petition for review. If a
23 petition is allowed, the commission may affirm, reverse, or set
24 aside the decision of the division of workers' compensation on
25 the basis of the evidence previously submitted in such case or
26 may take additional evidence or may remand the matter to the
27 division of workers' compensation with directions. The
28 commission shall promptly notify the parties of its decision and

1 the reasons therefor.

2 [2.] 3. Any petition for review filed pursuant to
3 subsection 1 of this section shall be deemed to be filed as of
4 the date endorsed by the United States Postal Service on the
5 envelope or container in which such petition is received.

6 [3.] 4. Any party who is aggrieved by a final decision of
7 the labor and industrial relations commission pursuant to the
8 provisions of subsections [1 and] 2 and 3 of this section [may
9 seek judicial review thereof, as provided in sections 536.100 to
10 536.140, RSMo] shall within thirty days from the date of the
11 final decision, appeal the decision to the court of appeals.

12 Such appeal may be taken by filing notice of appeal with
13 commission, whereupon the commission shall, under its
14 certificate, return to the court all documents and papers on file
15 in the matter, together with a transcript of the evidence, the
16 findings and award, which shall thereupon become the record of
17 the cause. Upon appeal no additional evidence shall be heard
18 and, in the absence of fraud, the findings of fact made by the
19 commission within its powers shall be conclusive and binding.
20 The court, on appeal, shall review only questions of law and may
21 modify, reverse, remand for rehearing, or set aside the award
22 upon any of the following grounds and no other:

23 (1) That the commission acted without or in excess of its
24 powers;

25 (2) That the award was procured by fraud;

26 (3) That the facts found by the commission do not support
27 the award;

28 (4) That there was not sufficient competent evidence in the

1 record to warrant the making of the award.

2 595.209. 1. The following rights shall automatically be
3 afforded to victims of dangerous felonies, as defined in section
4 556.061, RSMo, victims of murder in the first degree, as defined
5 in section 565.020, RSMo, victims of voluntary manslaughter, as
6 defined in section 565.023, RSMo, and victims of an attempt to
7 commit one of the preceding crimes, as defined in section
8 564.011, RSMo; and, upon written request, the following rights
9 shall be afforded to victims of all other crimes and witnesses of
10 crimes:

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

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

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

23 (4) For victims, the right to confer with and to be
24 informed by the prosecutor regarding bail hearings, guilty pleas,
25 pleas under chapter 552, RSMo, or its successors, hearings,
26 sentencing and probation revocation hearings and the right to be
27 heard at such hearings, including juvenile proceedings, unless in
28 the determination of the court the interests of justice require

1 otherwise;

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

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

7 (b) The right to be informed by local law enforcement
8 agencies or the appropriate juvenile authorities of the
9 availability of victim compensation assistance, assistance in
10 obtaining documentation of the victim's losses, including, but
11 not limited to and subject to existing law concerning protected
12 information or closed records, access to copies of complete,
13 unaltered, unedited investigation reports of motor vehicle,
14 pedestrian, and other similar accidents upon request to the
15 appropriate law enforcement agency by the victim or the victim's
16 representative, and emergency crisis intervention services
17 available in the community;

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

20 (d) Within twenty-four hours, any escape by such person
21 from a municipal detention facility, county jail, a correctional
22 facility operated by the department of corrections, mental health
23 facility, or the division of youth services or any agency
24 thereof, and any subsequent recapture of such person;

25 (6) For victims, the right to be informed by appropriate
26 juvenile authorities of probation revocation hearings initiated
27 by the juvenile authority and the right to be heard at such
28 hearings or to offer a written statement, video or audio tape, or

1 a statement by counsel or a representative designated by the
2 victim on behalf of the victim in lieu of a personal appearance,
3 the right to be informed by the board of probation and parole of
4 probation revocation hearings initiated by the board and of
5 parole hearings, the right to be present at each and every phase
6 of parole hearings [and], the right to be heard at probation
7 revocation and parole hearings or to offer a written statement,
8 video or audio tape in lieu of a personal appearance, and the
9 right to have, upon written request of the victim, a partition
10 set up in the probation or parole hearing room in such a way that
11 the victim is shielded from the view of the probationer or
12 parolee, and the right to be informed by the custodial mental
13 health facility or agency thereof of any hearings for the release
14 of a person committed pursuant to the provisions of chapter 552,
15 RSMo, the right to be present at such hearings, the right to be
16 heard at such hearings or to offer a written statement, video or
17 audio tape, or a statement by counsel or a representative
18 designated by the victim in lieu of personal appearance;

19 (7) For victims and witnesses, upon their written request,
20 the right to be informed by the appropriate custodial authority,
21 including any municipal detention facility, juvenile detention
22 facility, county jail, correctional facility operated by the
23 department of corrections, mental health facility, division of
24 youth services or agency thereof if the offense would have been a
25 felony if committed by an adult, postconviction or commitment
26 pursuant to the provisions of chapter 552, RSMo, of the
27 following:

28 (a) The projected date of such person's release from

1 confinement;

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

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

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

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

16 (f) Any decision by a parole board, by a juvenile releasing
17 authority or by a circuit court presiding over releases pursuant
18 to the provisions of chapter 552, RSMo, or by a circuit court
19 presiding over releases under section 217.362, RSMo, to release
20 such person or any decision by the governor to commute the
21 sentence of such person or pardon such person;

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

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

28 (9) For victims and witnesses, the right to reasonable

1 protection from the defendant or any person acting on behalf of
2 the defendant from harm and threats of harm arising out of their
3 cooperation with law enforcement and prosecution efforts;

4 (10) For victims and witnesses, on charged cases or
5 submitted cases where no charge decision has yet been made, to be
6 informed by the prosecuting attorney of the status of the case
7 and of the availability of victim compensation assistance and of
8 financial assistance and emergency and crisis intervention
9 services available within the community and information relative
10 to applying for such assistance or services, and of any final
11 decision by the prosecuting attorney not to file charges;

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

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

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

28 (14) An employer may not discharge or discipline any

1 witness, victim or member of a victim's immediate family for
2 honoring a subpoena to testify in a criminal proceeding,
3 attending a criminal proceeding, or for participating in the
4 preparation of a criminal proceeding, or require any witness,
5 victim, or member of a victim's immediate family to use vacation
6 time, personal time, or sick leave for honoring a subpoena to
7 testify in a criminal proceeding, attending a criminal
8 proceeding, or participating in the preparation of a criminal
9 proceeding;

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

13 (16) For victims and witnesses, the right to speedy
14 disposition of their cases, and for victims, the right to speedy
15 appellate review of their cases, provided that nothing in this
16 subdivision shall prevent the defendant from having sufficient
17 time to prepare such defendant's defense. The attorney general
18 shall provide victims, upon their written request, case status
19 information throughout the appellate process of their cases. The
20 provisions of this subdivision shall apply only to proceedings
21 involving the particular case to which the person is a victim or
22 witness;

23 (17) For victims and witnesses, to be provided by the
24 court, a secure waiting area during court proceedings and to
25 receive notification of the date, time and location of any
26 hearing conducted by the court for reconsideration of any
27 sentence imposed, modification of such sentence or recall and
28 release of any defendant from incarceration.

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

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

12 4. Notification by the appropriate person or agency
13 utilizing the statewide automated crime victim notification
14 system as established in section 650.310, RSMo, shall constitute
15 compliance with the victim notification requirement of this
16 section. If notification utilizing the statewide automated crime
17 victim notification system cannot be used, then written
18 notification shall be sent by certified mail to the most current
19 address provided by the victim.

20 5. Victims' rights as established in section 32 of article
21 I of the Missouri Constitution or the laws of this state
22 pertaining to the rights of victims of crime shall be granted and
23 enforced regardless of the desires of a defendant and no
24 privileges of confidentiality shall exist in favor of the
25 defendant to exclude victims or prevent their full participation
26 in each and every phase of parole hearings or probation
27 revocation hearings. The rights of the victims granted in this
28 section are absolute and the policy of this state is that the

1 victim's rights are paramount to the defendant's rights. The
2 victim has an absolute right to be present at any hearing in
3 which the defendant is present before a probation and parole
4 hearing officer.

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