

Hahn



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

HCS HB 1562 _____ entitled:

AN ACT

To repeal sections 566.210, 566.211, 566.212, and 566.213, RSMo, section 566.209 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 566.209 as enacted by house bill no. 214, ninety-sixth general assembly, first regular session, and to enact in lieu thereof five new sections relating to sexual trafficking of a child, with penalty provisions.

With SA 1, SA 2, SA 3, SA 4, SA 5, SA 6

In which the concurrence of the House is respectfully requested.

Respectfully,

Adriane D. Crouse
Secretary of the Senate

MAR 20 2016

Read 4/19/16

4162H02.02S

SENATE AMENDMENT NO. 1

Offered by Senator Onder of St Charles County

Amend HCS/House Bill No. 1562, Page 1, Section Title, Line 6,

2 by striking the following: "of a child".

3

Offered 4/19/16
Adopted "

SENATE AMENDMENT NO. 2Offered by Dixon of GreeneAmend HCS/HB 1562 ~~No.~~ , Page 1, Section A, Line 5,

2 by inserting after all of said line the following:

3 "510.035. 1. Except as provided in subsection 2 of this
 4 section, any visual or aural recordings or photographs of a minor
 5 who is alleged to be the victim of an offense under chapter 566
 6 created by or in the possession of a child assessment center,
 7 health care provider, or multidisciplinary team member shall not
 8 be copied or distributed to any person or entity, unless required
 9 by supreme court rule 25.03 or if a court orders such copying or
 10 distribution upon a showing of good cause after notice and a
 11 hearing and after considering the safety and privacy interests of
 12 any victim.

13 2. The following persons or entities may access or share
 14 any copies of visual or aural recordings or photographs as
 15 described in subsection 1 of this section for the following
 16 purposes:

17 (1) Multidisciplinary team members as part of an
 18 investigation, as well as for the provision of protective or
 19 preventive social services for minors and their families. For
 20 purposes of this section, multidisciplinary team members shall
 21 consist of representatives of law enforcement, the children's
 22 division, the prosecuting attorney, the child assessment center,

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1 the juvenile office, and the health care provider;

2 (2) Department of social services employees and their legal
3 counsel as part of the provision of child protection as described
4 in section 210.109, as well as for use in administrative
5 proceedings as established by department regulations or through
6 the administrative hearing commission as provided under section
7 621.075;

8 (3) Department of mental health employees and their legal
9 counsel as part of an investigation conducted under section
10 630.167, as well as for use in administrative proceedings as
11 established by department regulations or through the
12 administrative hearing commission as provided under section
13 621.075;

14 (4) The office of child advocate as part of a review under
15 section 37.710;

16 (5) The child abuse and neglect review board as part of a
17 review under sections 210.152 and 210.153; and

18 (6) The attorney general as part of a legal proceeding.

19 3. If a court orders the copying or distribution of visual
20 or aural recordings or photographs as described in subsection 1
21 of this section, the order shall:

22 (1) Be limited solely to the use of the recordings or
23 photographs for the purposes of a pending court proceeding or in
24 preparation for a pending court proceeding;

25 (2) Prohibit further copying, reproduction, or distribution
26 of the recordings or photographs; and

27 (3) Require, upon the final disposition of the case, the
28 return of all copies to the health care provider, child
29 assessment center or multidisciplinary team member that

1 originally had possession of the recordings or photographs, or
2 provide an affidavit to the health care provider, child
3 assessment center, or multidisciplinary team member that
4 originally had possession of the recordings or photographs
5 certifying that all copies have been destroyed.

6 4. Nothing in this section shall prohibit multidisciplinary
7 team members from exercising discretion to grant access to
8 viewing, but not copying, the visual or aural recordings or
9 photographs."; and

10 ~~Further amend said bill, Page _____, Section _____, Line~~
11 ~~_____, by inserting after all of said section and line the~~
12 ~~following:~~

13 "545.950. 1. Except as provided by subsection 2 of this
14 section, the defendant, the defendant's attorney, or an
15 investigator, expert, consulting legal counsel, or other agent of
16 the defendant's attorney shall not copy or distribute to a third
17 party any visual or aural recordings or photographs of a minor
18 who is alleged to be the victim of an offense under chapter 566
19 created by or in the possession of a child assessment center,
20 health care provider, or multidisciplinary team member unless a
21 court orders the copying or distribution upon a showing of good
22 cause after notice and a hearing and after considering the safety
23 and privacy interests of any victim.

24 2. The defendant's attorney or an investigator, expert,
25 consulting legal counsel, or agent for the defendant's attorney
26 may allow a defendant, witness, or prospective witness to view
27 the information provided under this section, but shall not allow
28 such person to have copies of the information provided.

29 3. If a court orders the copying or distribution of visual

1 or aural recordings or photographs as described in subsection 1
2 of this section, the order shall:

3 (1) Be limited solely to the use of the recordings or
4 photographs for the purposes of a pending court proceeding or in
5 preparation for a pending court proceeding;

6 (2) Prohibit further copying, reproduction, or distribution
7 of the recordings or photographs; and

8 (3) Require, upon the final disposition of the case, the
9 return of all copies to the health care provider, child
10 assessment center, or multidisciplinary team member that
11 originally had possession of the recordings or photographs, or
12 provide an affidavit to the health care provider, child
13 assessment center, or multidisciplinary team member that
14 originally had possession of the recordings or photographs
15 certifying that all copies have been destroyed."; and

16 Further amend said bill, Page 4, Section 566.213, Line
17 22, by inserting after all of said section and line the
18 following:

19 "595.226. 1. After August 28, 2007, any information
20 contained in any court record, whether written or published on
21 the internet, including any visual or aural recordings that could
22 be used to identify or locate any victim of an offense under
23 chapter 566 or a victim of domestic assault or stalking shall be
24 closed and redacted from such record prior to disclosure to the
25 public. Identifying information shall include the name, home or
26 temporary address, telephone number, Social Security number,
27 place of employment, or physical characteristics, including an
28 unobstructed visual image of the victim's face or body.

29 2. If the court determines that a person or entity who is

1 requesting identifying information of a victim has a legitimate
2 interest in obtaining such information, the court may allow
3 access to the information, but only if the court determines that
4 disclosure to the person or entity would not compromise the
5 welfare or safety of such victim, and only after providing
6 reasonable notice to the victim and after allowing the victim the
7 right to respond to such request.

8 3. Notwithstanding the provisions of subsection 1 of this
9 section, the judge presiding over a case under chapter 566, or a
10 case of domestic assault or stalking shall have the discretion to
11 publicly disclose identifying information regarding the defendant
12 which could be used to identify or locate the victim of the
13 crime. The victim may provide a statement to the court regarding
14 whether he or she desires such information to remain closed.
15 When making the decision to disclose such information, the judge
16 shall consider the welfare and safety of the victim and any
17 statement to the court received from the victim regarding the
18 disclosure.";

19 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO 13th³

Offered by Walsh of _____

Amend HCS / House Bill No. 1562 Page 4, Section 566.2¹³, Line 22

2 by inserting immediately after said line the following:

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

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

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

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

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

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

22 (6) "Program participant", a person certified by the

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Adopted "

1 secretary of state as eligible to participate in the address
2 confidentiality program;

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

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

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

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

20 (a) The application preparation date, the applicant's
21 signature, and the signature and registration number of the
22 application assistant who assisted the applicant in applying to
23 be a program participant;

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

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

29 a. Is a victim of domestic violence, rape, sexual assault,

1 human trafficking, or stalking; and

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

3 (d) The mailing address where the applicant may be
4 contacted by the secretary or a designee and the telephone number
5 or numbers where the applicant may be called by the secretary or
6 the secretary's designee; and

7 (e) One or more addresses that the applicant requests not
8 be disclosed for the reason that disclosure will jeopardize the
9 applicant's safety or increase the risk of violence to the
10 applicant or members of the applicant's household;

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

19 (4) The secretary shall forward first class mail, legal
20 documents, and certified mail to the appropriate program
21 participants."; and

22 Further amend the title and enacting clause accordingly.
23

Read 4/19/16

4162H02.03S

SENATE AMENDMENT NO. 4

Offered by Senator Onder of St. Charles County

Amend HCS/House Bill No. 1562, Page 1, Section Title, Line 6.

2 by striking "trafficking of a child" and inserting in lieu thereof
3 the following: "offenses".

Offered 4/19/16
Adopted "

SENATE AMENDMENT NO. 5Offered by Wajskh of 13thAmend HCS/ House Bill No. 1562, Page 1, Section A, Line 5

2 by inserting immediately after said line the following:

3 "565.225. 1. As used in this section and section 565.227,
4 the term "disturbs" shall mean to engage in a course of conduct
5 directed at a specific person that serves no legitimate purpose
6 and that would cause a reasonable person under the circumstances
7 to be frightened, intimidated, or emotionally distressed.

8 2. A person commits the offense of stalking in the first
9 degree if he or she purposely, through his or her course of
10 conduct, disturbs or follows with the intent of disturbing
11 another person and:

12 (1) Makes a threat communicated with the intent to cause
13 the person who is the target of the threat to reasonably fear for
14 his or her safety, the safety of his or her family or household
15 member, or the safety of domestic animals or livestock as defined
16 in section 276.606 kept at such person's residence or on such
17 person's property. The threat shall be against the life of, or a
18 threat to cause physical injury to, or the kidnapping of the
19 person, the person's family or household members, or the person's
20 domestic animals or livestock as defined in section 276.606 kept
21 at such person's residence or on such person's property; or

22 (2) At least one of the acts constituting the course of

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1 conduct is in violation of an order of protection and the person
2 has received actual notice of such order; or

3 (3) At least one of the actions constituting the course of
4 conduct is in violation of a condition of probation, parole,
5 pretrial release, or release on bond pending appeal; or

6 (4) At any time during the course of conduct, the other
7 person is seventeen years of age or younger and the person
8 disturbing the other person is twenty-one years of age or older;
9 or

10 (5) He or she has previously been found guilty of domestic
11 assault, violation of an order of protection, or any other crime
12 where the other person was the victim; or

13 (6) At any time during the course of conduct, the other
14 person is a participant of the address confidentiality program
15 under sections 589.660 to 589.681, and the person disturbing the
16 other person knowingly accesses or attempts to access the address
17 of the other person.

18 3. Any law enforcement officer may arrest, without a
19 warrant, any person he or she has probable cause to believe has
20 violated the provisions of this section.

21 4. This section shall not apply to activities of federal,
22 state, county, or municipal law enforcement officers conducting
23 investigations of any violation of federal, state, county, or
24 municipal law.

25 5. The offense of stalking in the first degree is a class E
26 felony, unless the defendant has previously been found guilty of
27 a violation of this section or section 565.227, or any offense
28 committed in another jurisdiction which, if committed in this
29 state, would be chargeable or indictable as a violation of any

1 offense listed in this section or section 565.227, in which case
2 stalking in the first degree is a class D felony.

3 565.225. 1. As used in this section, the following terms
4 shall mean:

5 (1) "Course of conduct", a pattern of conduct composed of
6 two or more acts, which may include communication by any means,
7 over a period of time, however short, evidencing a continuity of
8 purpose. Constitutionally protected activity is not included
9 within the meaning of course of conduct. Such constitutionally
10 protected activity includes picketing or other organized
11 protests;

12 (2) "Credible threat", a threat communicated with the
13 intent to cause the person who is the target of the threat to
14 reasonably fear for his or her safety, or the safety of his or
15 her family, or household members or domestic animals or livestock
16 as defined in section 276.606 kept at such person's residence or
17 on such person's property. The threat must be against the life
18 of, or a threat to cause physical injury to, or the kidnapping
19 of, the person, the person's family, or the person's household
20 members or domestic animals or livestock as defined in section
21 276.606 kept at such person's residence or on such person's
22 property;

23 (3) "Harasses", to engage in a course of conduct directed
24 at a specific person that serves no legitimate purpose, that
25 would cause a reasonable person under the circumstances to be
26 frightened, intimidated, or emotionally distressed.

27 2. A person commits the crime of stalking if he or she
28 purposely, through his or her course of conduct, harasses or
29 follows with the intent of harassing another person.

1 3. A person commits the crime of aggravated stalking if he
2 or she purposely, through his or her course of conduct, harasses
3 or follows with the intent of harassing another person, and:

4 (1) Makes a credible threat; or

5 (2) At least one of the acts constituting the course of
6 conduct is in violation of an order of protection and the person
7 has received actual notice of such order; or

8 (3) At least one of the actions constituting the course of
9 conduct is in violation of a condition of probation, parole,
10 pretrial release, or release on bond pending appeal; or

11 (4) At any time during the course of conduct, the other
12 person is seventeen years of age or younger and the person
13 harassing the other person is twenty-one years of age or older;
14 or

15 (5) He or she has previously pleaded guilty to or been
16 found guilty of domestic assault, violation of an order of
17 protection, or any other crime where the other person was the
18 victim; or

19 (6) At any time during the course of conduct, the other
20 person is a participant of the address confidentiality program
21 under sections 589.660 to 589.681, and the person harassing the
22 other person knowingly accesses or attempts to access the address
23 of the other person.

24 4. The crime of stalking shall be a class A misdemeanor
25 unless the person has previously pleaded guilty to or been found
26 guilty of a violation of this section, or of any offense
27 committed in violation of any county or municipal ordinance in
28 any state, any state law, any federal law, or any military law
29 which, if committed in this state, would be chargeable or

1 indictable as a violation of any offense listed in this section,
2 in which case stalking shall be a class D felony.

3 5. The crime of aggravated stalking shall be a class D
4 felony unless the person has previously pleaded guilty to or been
5 found guilty of a violation of this section, or of any offense
6 committed in violation of any county or municipal ordinance in
7 any state, any state law, any federal law, or any military law
8 which, if committed in this state, would be chargeable or
9 indictable as a violation of any offense listed in this section,
10 aggravated stalking shall be a class C felony.

11 6. Any law enforcement officer may arrest, without a
12 warrant, any person he or she has probable cause to believe has
13 violated the provisions of this section.

14 7. This section shall not apply to activities of federal,
15 state, county, or municipal law enforcement officers conducting
16 investigations of violation of federal, state, county, or
17 municipal law."; and

18 Further amend the title and enacting clause accordingly.
19

Read 4/19/16

4162H02.05S

SENATE AMENDMENT NO. 6

Offered by Senator Onder of St Charles County

Amend HCS/House Bill No. 1562, Page 1, Section Title, Lines 5-6,

2 by striking "sexual trafficking of a child" and inserting in lieu
3 thereof the following: "victims of crime".

Offered 4/19/16
Adopted "