

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 618,  
2 Page 9, Section 221.240, Line 7, by inserting after all of said section and line the following:

3  
4 "595.209. 1. The following rights shall automatically be afforded to victims of dangerous  
5 felonies, as defined in section 556.061, victims of murder in the first degree, as defined in section  
6 565.020, victims of voluntary manslaughter, as defined in section 565.023, [and] victims of any  
7 offense under chapter 566, victims of an attempt to commit one of the preceding crimes, as defined  
8 in section 564.011, and victims of domestic assault, as defined in sections 565.072 to 565.074; and,  
9 upon written request, the following rights shall be afforded to victims of all other crimes and  
10 witnesses of crimes:

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

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

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

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

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

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

28 (b) The right to be informed by local law enforcement agencies or the appropriate juvenile  
29 authorities of the availability of victim compensation assistance, assistance in obtaining  
30 documentation of the victim's losses, including, but not limited to and subject to existing law  
31 concerning protected information or closed records, access to copies of complete, unaltered,

Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

Select Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon request  
2 to the appropriate law enforcement agency by the victim or the victim's representative, and  
3 emergency crisis intervention services available in the community;

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

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

9 (6) For victims, the right to be informed by appropriate juvenile authorities of probation  
10 revocation hearings initiated by the juvenile authority and the right to be heard at such hearings or  
11 to offer a written statement, video or audio tape, counsel or a representative designated by the  
12 victim in lieu of a personal appearance, the right to be informed by the board of probation and  
13 parole of probation revocation hearings initiated by the board and of parole hearings, the right to be  
14 present at each and every phase of parole hearings, the right to be heard at probation revocation and  
15 parole hearings or to offer a written statement, video or audio tape, counsel or a representative  
16 designated by the victim in lieu of a personal appearance, and the right to have, upon written request  
17 of the victim, a partition set up in the probation or parole hearing room in such a way that the victim  
18 is shielded from the view of the probationer or parolee, and the right to be informed by the custodial  
19 mental health facility or agency thereof of any hearings for the release of a person committed  
20 pursuant to the provisions of chapter 552, the right to be present at such hearings, the right to be  
21 heard at such hearings or to offer a written statement, video or audio tape, counsel or a  
22 representative designated by the victim in lieu of personal appearance;

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

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

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

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

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

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

41 (f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court

1 presiding over releases pursuant to the provisions of chapter 552, or by a circuit court presiding over  
2 releases under section 217.362, to release such person or any decision by the governor to commute  
3 the sentence of such person or pardon such person;

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

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

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

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

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

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

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

26 (14) An employer may not discharge or discipline any witness, victim or member of a  
27 victim's immediate family for honoring a subpoena to testify in a criminal proceeding, attending a  
28 criminal proceeding, or for participating in the preparation of a criminal proceeding, or require any  
29 witness, victim, or member of a victim's immediate family to use vacation time, personal time, or  
30 sick leave for honoring a subpoena to testify in a criminal proceeding, attending a criminal  
31 proceeding, or participating in the preparation of a criminal proceeding;

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

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

40 (17) For victims and witnesses, to be provided by the court, a secure waiting area during  
41 court proceedings and to receive notification of the date, time and location of any hearing conducted

1 by the court for reconsideration of any sentence imposed, modification of such sentence or recall  
2 and release of any defendant from incarceration;

3 (18) For victims, the right to receive upon request from the department of corrections a  
4 photograph taken of the defendant prior to release from incarceration.

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

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

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

18 5. Victims' rights as established in Section 32 of Article I of the Missouri Constitution or the  
19 laws of this state pertaining to the rights of victims of crime shall be granted and enforced regardless  
20 of the desires of a defendant and no privileges of confidentiality shall exist in favor of the defendant  
21 to exclude victims or prevent their full participation in each and every phase of parole hearings or  
22 probation revocation hearings. The rights of the victims granted in this section are absolute and the  
23 policy of this state is that the victim's rights are paramount to the defendant's rights. The victim has  
24 an absolute right to be present at any hearing in which the defendant is present before a probation  
25 and parole hearing officer."; and

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