

FIRST REGULAR SESSION

# HOUSE BILL NO. 931

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HARRIS (23) (Sponsor), LIESE, WILDBERGER, LeVOTA,  
CHAPPELLE-NADAL, JOLLY, BURNETT, OXFORD, BAKER (25), DARROUGH,  
SCHOEMEHL AND STORCH (Co-sponsors).

Read 1<sup>st</sup> time March 31, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2082L.01I

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### AN ACT

To amend chapter 595, RSMo, by adding thereto one new section relating to crime victim's right to take leave from employment to attend a criminal proceeding.

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

Section A. Chapter 595, RSMo, is amended by adding thereto one new section, to be  
2 known as section 595.207, to read as follows:

**595.207. 1. As used in this section the following terms shall mean:**

2 (1) "Covered employer", an employer who employs twenty-five or more persons  
3 in the state of Missouri for each working day during each of twenty or more calendar  
4 workweeks in the year in which an eligible employee takes leave to attend a criminal  
5 proceeding or in the year immediately preceding the year in which an eligible employee  
6 takes leave to attend a criminal proceeding;

7 (2) "Criminal proceeding", any proceeding which constitutes a part of a criminal  
8 action or occurs in court in connection with a prospective, pending, or completed criminal  
9 action;

10 (3) "Eligible employee", an employee who:

11 (a) Worked an average of more than twenty-five hours per week for a covered  
12 employer for at least one hundred eighty days immediately before the date the employee  
13 takes leave to attend a criminal proceeding; and

14 (b) Is a crime victim;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15           (4) "Undue hardship", a significant difficulty and expense to a business and  
16 includes consideration of the size of the covered employer's business and the covered  
17 employer's critical need for the employee.

18           2. Except as provided in subsection 3 of this section, a covered employer shall allow  
19 an eligible employee to take leave from employment to attend a criminal proceeding.

20           3. A covered employer may limit the amount of leave an eligible employee takes to  
21 attend a criminal proceeding if the employee's leave creates an undue hardship to the  
22 covered employer's business.

23           4. An eligible employee may notify the prosecuting or circuit attorney if taking  
24 leave to attend a criminal proceeding would cause undue hardship to the covered  
25 employer. The prosecuting or circuit attorney shall then notify the court. Upon  
26 notification by the prosecuting or circuit attorney the court shall take the schedule of the  
27 employee into consideration when scheduling a criminal proceeding.

28           5. An eligible employee shall give the covered employer:

29           (1) Reasonable notice of the employee's intention to take leave to attend a criminal  
30 proceeding; and

31           (2) Copies of any notices of scheduled criminal proceedings that the employee  
32 receives.

33           6. An eligible employee who is a victim of a crime shall not be dismissed or lose  
34 seniority or precedence while absent from employment pursuant to the provisions of this  
35 section.

36           7. It is unlawful for a covered employer or an agent of a covered employer to refuse  
37 to hire or employ, to bar or to discharge from employment, or to discriminate against an  
38 eligible employee in compensation or other terms, conditions, or privileges of employment  
39 because the eligible employee leaves work pursuant to the provisions of this section.

40           8. Covered employers shall keep confidential records regarding the eligible  
41 employee's leave pursuant to this section.

42           9. The prosecuting or circuit attorney shall inform the victim of the victim's rights  
43 pursuant to this section.