

SECOND REGULAR SESSION

HOUSE BILL NO. 1877

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE STORCH.

Read 1st time February 24, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4424L.01I

AN ACT

To amend chapters 544 and 545, RSMo, by adding thereto two new sections relating to protecting victims in sexual offense cases, with penalty provisions.

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

Section A. Chapters 544 and 545, RSMo, are amended by adding thereto two new sections, to be known as sections 544.025 and 545.395, to read as follows:

2 **544.025. 1. Whenever a victim of a sexual offense first makes a report of the sexual**
3 **offense to a law enforcement officer or a prosecuting or circuit attorney, it shall be the duty**
4 **of such law enforcement officer or prosecuting or circuit attorney to inform the victim that**
5 **he or she has a right to request a no contact order be issued against the alleged perpetrator**
6 **of the sexual offense. If the victim requests such an order it shall be the duty of the law**
7 **enforcement officer or prosecuting or circuit attorney to whom the victim makes the**
8 **request to notify the judge or the law enforcement officer or prosecuting or circuit attorney**
9 **who will be seeking a warrant from the judge in the sexual assault case, that the victim is**
10 **requesting that a no contact order be issued.**

11 **2. Whenever a judge issues an arrest warrant for a person alleged to have**
12 **committed a sexual offense, regardless of whether or not the warrant is based on a**
13 **complaint, indictment, or information such judge shall, if it has been requested by the**
14 **victim or victims, at that same time, also enter an order that the defendant shall have no**
15 **contact or communication, direct or indirect, of any kind with the alleged victim or victims**
which order shall remain in effect until the criminal case is concluded. As used in this

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.

16 section "no contact or communication, direct or indirect, of any kind" includes but is not
17 limited to contact or communication in person, by writing, telephone, fax, e-mail, or any
18 other type of electronic communication, and includes contact or communication through
19 a third party or parties, except that the defendant may communicate through his or her
20 attorney to the prosecuting or circuit attorney, or if the defendant does not have counsel,
21 directly to the prosecuting or circuit attorney, any lawful request or legally necessary
22 information which the prosecuting attorney may then relay to the victim, if appropriate.

23 3. Any defendant who knowingly violates the no contact or communication
24 provisions of subsection 2 of this section shall be guilty of a class C felony.

25 4. It shall be prima facie evidence that the defendant knowingly violated the order
26 if the defendant was served with the order or a copy of the order at any time prior to the
27 date and time of the violation.

545.395. 1. In any criminal case where a sexual offense is alleged no police reports,
2 court documents, witness statements, or any other documents shall knowingly be released
3 to the defendant or his or her counsel unless the victim's address, e-mail address, fax
4 number, telephone number and any other identifying contact information have first been
5 redacted. The prosecuting or circuit attorney's address and phone number shall be given
6 in place of the victim's contact information. The provisions of this subsection shall apply
7 to anyone who releases documents in connection to the criminal case to the defendant or
8 his or her counsel, including but not limited to the clerk, the court, the prosecuting or
9 circuit attorney, and any law enforcement agency.

10 2. At anytime the defendant, if the defendant is pro se or his or her attorney desires
11 to contact the alleged victim, in order to prepare for trial, that contact will be made
12 through the prosecuting or circuit attorney's office. Upon receipt of a request for contact
13 the prosecuting or circuit attorney, or his or her employee will set up a mutual time for the
14 parties to meet in a neutral setting. At no time during these meetings shall the alleged
15 victim be required to answer questions regarding his or her address, telephone, e-mail, or
16 other contact information.

17 3. Any person who violates the provisions of subsection 1 of this section shall be
18 guilty of a class C felony.

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