

HCS HB 1317 -- CRIME VICTIM'S RIGHTS

SPONSOR: Lipke

COMMITTEE ACTION: Voted "do pass by consent" by the Committee on Crime Prevention and Public Safety by a vote of 13 to 0. Voted "do pass - not consent" by the Committee on Rules.

This substitute requires a photograph to be taken of an incarcerated individual upon release and made available to the victim at the victim's request. The substitute also allows victims to be represented by an appointed person instead of a personal appearance during parole and probation revocation hearings for the defendant. The victim's appointee who honors any subpoena to testify in or attend a criminal proceeding is protected from discharge by any employer or from using vacation, personal, or sick leave to attend any criminal proceeding.

Currently, access to official court records for persons arrested and charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty or imposition of sentence is suspended is limited to law enforcement agencies, child care agencies, residential care facilities, and skilled nursing facilities. The substitute authorizes access to official court records to victims of offenses against the family found in Chapters 566 and 568, RSMo, to use in his or her own judicial proceedings.

FISCAL NOTE: No impact on state funds in FY 2007, FY 2008, and FY 2009.

PROPOSERS: Supporters say that although Missouri has a very good victim's bill of rights, there are some things that need to be added. Due to the fact that incarcerated individuals often look different when they are released from when they were first incarcerated, a photograph should be taken of the criminal upon release from incarceration at the victim's request. The bill also ensures that a victim or a member of his or her family is not penalized by his or her employer for attending any judicial proceeding.

Testifying for the bill were Representative Lipke; Department of Corrections; and Office of the Attorney General.

OPPOSERS: There was no opposition voiced to the committee.

Kristina Jenkins, Legislative Analyst