

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 888, Page 1, In the Title, Line 3, by
2 deleting all of said line and inserting in lieu thereof the words "relating to public safety."; and
3

4 Further amend said bill, Page 3, Section 589.663, Line 36, by inserting after all of said section and
5 line the following:
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7 "595.030. 1. No compensation shall be paid unless the claimant has incurred an out-of-
8 pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from
9 gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or
10 indebtedness reasonably incurred:

11 (1) For medical care or other services, including psychiatric, psychological or counseling
12 expenses, necessary as a result of the crime upon which the claim is based, except that the amount
13 paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two
14 thousand five hundred dollars; or

15 (2) As a result of personal property being seized in an investigation by law enforcement.
16

17 Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal to
18 the loss sustained, but shall not exceed two hundred fifty dollars.

19 2. No compensation shall be paid unless the department of public safety finds that a crime
20 was committed, that such crime directly resulted in personal physical injury to, or the death of, the
21 victim, and that police records show that such crime was promptly reported to the proper
22 authorities. In no case may compensation be paid if the police records show that such report was
23 made more than forty-eight hours after the occurrence of such crime, unless the department of
24 public safety finds that the report to the police was delayed for good cause. If the victim is under
25 eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a
26 physician, a nurse, or hospital emergency room personnel; by the children's division personnel; or
27 by any other member of the victim's family. In the case of a sexual offense, filing a report of the
28 offense to the proper authorities may include, but not be limited to, the filing of the report of the
29 forensic examination by the appropriate medical provider, as defined in section 595.220, with the
30 prosecuting attorney of the county in which the alleged incident occurred.

31 3. No compensation shall be paid for medical care if the service provider is not a medical
32 provider as that term is defined in section 595.027, and the individual providing the medical care is
33 not licensed by the state of Missouri or the state in which the medical care is provided.

34 4. No compensation shall be paid for psychiatric treatment or other counseling services,
35 including psychotherapy, unless the service provider is a:

36 (1) Physician licensed pursuant to chapter 334 or licensed to practice medicine in the state

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1 in which the service is provided;

2 (2) Psychologist licensed pursuant to chapter 337 or licensed to practice psychology in the
3 state in which the service is provided;

4 (3) Clinical social worker licensed pursuant to chapter 337; [or]

5 (4) Professional counselor licensed pursuant to chapter 337; or

6 (5) Board certified psychiatric-mental health clinical nurse specialist or board certified
7 psychiatric-mental health nurse practitioner licensed under chapter 335 or licensed in the state in
8 which the service is provided.

9 5. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal
10 injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or
11 support from gainful employment, not to exceed four hundred dollars per week, resulting from such
12 injury or death. In the event of death of the victim, an award may be made for reasonable and
13 necessary expenses actually incurred for preparation and burial not to exceed five thousand dollars.

14 6. Any compensation for loss of earnings or support from gainful employment shall be in an
15 amount equal to the actual loss sustained not to exceed four hundred dollars per week; provided,
16 however, that no award pursuant to sections 595.010 to 595.075 shall exceed twenty-five thousand
17 dollars. If two or more persons are entitled to compensation as a result of the death of a person
18 which is the direct result of a crime or in the case of a sexual assault, the compensation shall be
19 apportioned by the department of public safety among the claimants in proportion to their loss.

20 7. The method and timing of the payment of any compensation pursuant to sections 595.010
21 to 595.075 shall be determined by the department.

22 8. The department shall have the authority to negotiate the costs of medical care or other
23 services directly with the providers of the care or services on behalf of any victim receiving
24 compensation pursuant to sections 595.010 to 595.075.

25 595.120. 1. Prior to January 1, 2017, the department of public safety shall create a poster
26 that provides information regarding the national human trafficking resource center hotline. The
27 poster shall be no smaller than eight and one-half inches by eleven inches in size and shall include a
28 statement in substantially the following form:

29 "If you or someone you know is being forced to engage in any activity and cannot leave –
30 whether it is commercial sex, housework, farm work, or any other activity – call the
31 National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and
32 services. Victims of human trafficking are protected under U.S. and Missouri law.

33
34 The toll-free hotline is:

35 - Available 24 hours a day, 7 days a week

36 - Operated by a non-profit, non-governmental organization

37 - Anonymous and confidential

38 - Accessible in 170 languages

39 - Able to provide help, referral to services, training, and general information."

40
41 The statement shall appear on each poster in English, Spanish, and, for each county, any other
42 language required for voting materials in that county under section 1973 of the "Voting Rights Act
43 of 1965," 42 U.S.C. 1973, as amended. In addition to the national human trafficking resource
44 center hotline, the statement may contain any additional hotlines regarding human trafficking for
45 access to help and services.

46 2. Beginning March 1, 2017, the human trafficking hotline poster designed by the
47 department of public safety shall be displayed in a conspicuous place in or near the bathrooms or
48 near the entrance of each of the following establishments:

1 (1) A hotel, motel, or other establishment that has been cited as a public nuisance for
 2 prostitution under section 567.080;

3 (2) A strip club or other sexually oriented business;

4 (3) A private club that has a liquor permit for on-premises consumption and does not hold
 5 itself out to be a food service establishment;

6 (4) An airport;

7 (5) A train station that serves passengers;

8 (6) Emergency rooms within general acute care hospitals;

9 (7) Urgent care centers;

10 (8) Privately operated job recruitment centers;

11 (9) Businesses or establishments that offer massage or body work services for compensation
 12 by individuals who are not licensed under section 324.265;

13 (10) Women's health centers;

14 (11) Bus stations; and

15 (12) Any privately owned and operated facility that provides food, fuel, shower or other
 16 sanitary facilities, and overnight parking.

17 3. The department of public safety shall make the poster available for print on its public
 18 website. To obtain a copy of the poster, the owners or operators of an establishment required to post
 19 the human trafficking hotline notice under subsection 2 of this section may print the online poster
 20 using the online link or request that the poster be mailed for the cost of printing and first class
 21 postage.

22 4. Any owner or operator of an establishment required to post the human trafficking hotline
 23 notice under subsection 2 of this section who fails to comply with the requirement shall receive a
 24 written warning for the first violation and may be guilty of an infraction for any subsequent
 25 violation.

26 595.209. 1. The following rights shall automatically be afforded to victims of dangerous
 27 felonies, as defined in section 556.061, victims of murder in the first degree, as defined in section
 28 565.020, victims of voluntary manslaughter, as defined in section 565.023, [and] victims of an
 29 attempt to commit one of the preceding crimes, as defined in section 564.011, and victims of
 30 domestic assault, as defined in sections 565.072 to 565.076; and, upon written request, the following
 31 rights shall be afforded to victims of all other crimes and witnesses of crimes:

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

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

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

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

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

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

1 (b) The right to be informed by local law enforcement agencies or the appropriate juvenile
2 authorities of the availability of victim compensation assistance, assistance in obtaining
3 documentation of the victim's losses, including, but not limited to and subject to existing law
4 concerning protected information or closed records, access to copies of complete, unaltered,
5 unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon request
6 to the appropriate law enforcement agency by the victim or the victim's representative, and
7 emergency crisis intervention services available in the community;

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

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

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

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

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

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

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

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

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

45 (f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court
46 presiding over releases pursuant to the provisions of chapter 552, or by a circuit court presiding over
47 releases under section 217.362, to release such person or any decision by the governor to commute
48 the sentence of such person or pardon such person;

- 1 (g) Notification within thirty days of the death of such person;
- 2 (8) For witnesses who have been summoned by the prosecuting attorney and for victims, to
3 be notified by the prosecuting attorney in a timely manner when a court proceeding will not go on
4 as scheduled;
- 5 (9) For victims and witnesses, the right to reasonable protection from the defendant or any
6 person acting on behalf of the defendant from harm and threats of harm arising out of their
7 cooperation with law enforcement and prosecution efforts;
- 8 (10) For victims and witnesses, on charged cases or submitted cases where no charge
9 decision has yet been made, to be informed by the prosecuting attorney of the status of the case and
10 of the availability of victim compensation assistance and of financial assistance and emergency and
11 crisis intervention services available within the community and information relative to applying for
12 such assistance or services, and of any final decision by the prosecuting attorney not to file charges;
- 13 (11) For victims, to be informed by the prosecuting attorney of the right to restitution which
14 shall be enforceable in the same manner as any other cause of action as otherwise provided by law;
- 15 (12) For victims and witnesses, to be informed by the court and the prosecuting attorney of
16 procedures to be followed in order to apply for and receive any witness fee to which they are
17 entitled;
- 18 (13) When a victim's property is no longer needed for evidentiary reasons or needs to be
19 retained pending an appeal, the prosecuting attorney or any law enforcement agency having
20 possession of the property shall, upon request of the victim, return such property to the victim
21 within five working days unless the property is contraband or subject to forfeiture proceedings, or
22 provide written explanation of the reason why such property shall not be returned;
- 23 (14) An employer may not discharge or discipline any witness, victim or member of a
24 victim's immediate family for honoring a subpoena to testify in a criminal proceeding, attending a
25 criminal proceeding, or for participating in the preparation of a criminal proceeding, or require any
26 witness, victim, or member of a victim's immediate family to use vacation time, personal time, or
27 sick leave for honoring a subpoena to testify in a criminal proceeding, attending a criminal
28 proceeding, or participating in the preparation of a criminal proceeding;
- 29 (15) For victims, to be provided with creditor intercession services by the prosecuting
30 attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;
- 31 (16) For victims and witnesses, the right to speedy disposition of their cases, and for
32 victims, the right to speedy appellate review of their cases, provided that nothing in this subdivision
33 shall prevent the defendant from having sufficient time to prepare such defendant's defense. The
34 attorney general shall provide victims, upon their written request, case status information
35 throughout the appellate process of their cases. The provisions of this subdivision shall apply only
36 to proceedings involving the particular case to which the person is a victim or witness;
- 37 (17) For victims and witnesses, to be provided by the court, a secure waiting area during
38 court proceedings and to receive notification of the date, time and location of any hearing conducted
39 by the court for reconsideration of any sentence imposed, modification of such sentence or recall
40 and release of any defendant from incarceration;
- 41 (18) For victims, the right to receive upon request from the department of corrections a
42 photograph taken of the defendant prior to release from incarceration.
- 43 2. The provisions of subsection 1 of this section shall not be construed to imply any victim
44 who is incarcerated by the department of corrections or any local law enforcement agency has a
45 right to be released to attend any hearing or that the department of corrections or the local law
46 enforcement agency has any duty to transport such incarcerated victim to any hearing.
- 47 3. Those persons entitled to notice of events pursuant to the provisions of subsection 1 of
48 this section shall provide the appropriate person or agency with their current addresses and

1 telephone numbers or the addresses or telephone numbers at which they wish notification to be
2 given.

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

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

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