

FIRST REGULAR SESSION

HOUSE BILL NO. 1148

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PIETZMAN.

2247H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 595.229, RSMo, and to enact in lieu thereof one new section relating to the rights of victims.

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

Section A. Section 595.229, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 595.229, to read as follows:

595.229. 1. Prior to the acceptance of a plea ~~[bargain]~~ **of guilty** by the court with respect to any person ~~[who has pled guilty to an offense after]~~ initially ~~[being]~~ charged with a felony, the court shall allow the victim of such offense to submit a written statement or appear before the court personally or by counsel for the purpose of making a statement. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim. A member of the immediate family of the victim may appear personally or by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of the offense committed by the defendant. **If the victim is under eighteen years of age, then the victim, with or without a family member or other support person, may submit a written statement or appear personally or by counsel for the purpose of making a statement.**

2. At the time of sentencing of any person who has pled guilty or been found guilty of a felony offense, the victim of such offense may appear before the court personally or by counsel for the purpose of making a statement or may submit a written statement. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim. A member of the immediate family of the victim may appear personally or by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of the

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.

17 offense committed by the defendant **or may appear for, or in addition to, a victim under**
18 **eighteen years of age.**

19 3. The prosecuting attorney shall inform the victim or shall inform a member of the
20 immediate family of the victim if the victim is dead, **under eighteen years of age**, or otherwise
21 is unable to make a statement as a result of the offense committed by the defendant of the right
22 to make a statement pursuant to subsections 1 and 2 of this section. **A victim or immediate**
23 **family member shall be notified of the rights granted to victims under article I, section 32**
24 **of the Constitution of Missouri and section 595.209. In addition to the notification of**
25 **rights**, if the victim or member of the immediate family supplies a stamped, self-addressed
26 envelope, the prosecutor shall send notice of the time and location that the court will hear the
27 guilty plea or render sentence.

28 **4. Prior to accepting a plea of guilt as described in this section, the court shall make**
29 **a finding of whether the prosecutor has made efforts to inform the victim of his or her right**
30 **to make statements as described in this section. If efforts have not been made, then the**
31 **court shall not accept a guilty plea until such a finding is made. Such efforts may be shown**
32 **by the sending of notice to the last known address of the victim.**

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