



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

BILL NUMBER: <b>SB 775</b>		DATE: <b>4/11/2022</b>	
COMMITTEE: <b>Emerging Issues</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>AMY FITE</b>		PHONE NUMBER: <b>417-581-7915</b>	
BUSINESS/ORGANIZATION NAME: <b>MISSOURI ASSOCIATION OF PROSECUTING ATTORNEY (MAPA)</b>		TITLE: <b>CHRISTIAN COUNTY PROSECUTING ATTORNEY</b>	
ADDRESS: <b>102 W. WALNUT, FIRST FLOOR</b>			
CITY: <b>OZARK</b>		STATE: <b>MO</b>	ZIP: <b>65721</b>
EMAIL: <b>Amy.Fite@prosecutors.mo.gov</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>4/10/2022 9:13 PM</b>	
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			

The Missouri Association of Prosecuting Attorneys (MAPA) is providing written testimony in support of SB775, which updates what is commonly referred to as the rape shield statute found in 491.015 RSMo. MAPA wholeheartedly supports these updates and believes they are necessary to provide consistent protections across Missouri to all survivors of sexual offenses. Missouri, along with the other 49 states, the federal government, and various U.S. territories, has a rape shield law. These laws are intended to protect the privacy of a victim of a sexual offense. It is intended to prevent embarrassment and harassment as a means to dissuade a victim from disclosing his or her victimization. While most states and the federal government do not have discovery depositions in criminal proceedings, Missouri does allow for discovery depositions in criminal cases. Additionally, many states and the federal government utilize a grand jury as provided by the 5th Amendment of the United States Constitution as the procedure for a probable cause determination for criminal charges to proceed versus a preliminary hearing. In Missouri, the procedure utilized varies from jurisdiction to jurisdiction – some jurisdictions have a sitting grand jury who routinely hear all matters involving sexual offenses while other jurisdictions never impanel a grand jury, and all matters are heard at a preliminary hearing. The current statute provides that opinion and reputation evidence and specific instances of prior sexual conduct are inadmissible with certain specific exceptions. In order to offer evidence under one of the limited exceptions for such evidence during a trial, the statute requires defense counsel to file a written motion with the court. Any hearing is held outside the hearing of the jury, and there is an in-camera review. The in-camera hearing is recorded, and it shall be sealed for the delivery to the parties and to the appellate court in the event of an appeal or other post trial proceeding. Clearly, the statute and the hearing process is intended to protect the privacy of the victim while at the same time providing due process to an accused. The statute recognizes that rape, sodomy and other sexual offenses are crimes of violence. The victim's sexual history with limited exception is not relevant to the crime. These are clearly vital protections for a victim of a sexual offense since they are provided in law by all the states and the federal government. Tennessee and Vermont are examples of other states that include statutory language providing the "rape shield" protections apply at deposition and other court proceedings. It is difficult enough for a survivor to come forward and to go through the criminal justice process, one that is always stressful and frequently traumatic. "Rape shield" laws are needed for community safety to prevent a chilling effect from not wishing to disclose for fear of having to answer such intimate and private questions. While we have these protections in law and many understand and adhere that these protections are available at all stages of the criminal process, some have taken a different position that these protections are only available during trial and are not available during the discovery process or at a preliminary hearing. This has resulted in these

protections being rendered meaningless for some. For example, these protections were meaningless to the victim who was deposed for six hours about her sexual practices with her spouse. These protections were meaningless to the 17- year-old who was sexually abused by her stepfather at the age of 14. This 17-year-old who disclosed the abuse more than two years prior to her deposition and yet was asked during her deposition about whether or not she was engaging in sexual intercourse with her current boyfriend. To allow such inquiries at a deposition or at a preliminary hearing renders the protections provided to a survivor meaningless. It subjects survivors of sexual offenses to embarrassment, humiliation, and invades their privacy. It is important to note that preliminary hearings are public proceedings and that depositions are transcribed and are part of discovery – which belongs to the defendant. The defendant can read and share with whomever and on whatever social media he/she chooses. Once a person has been made to provide such intimate and private information, a violation has occurred. One for which there is no remedy. Another example of the inconsistent application of the protections of the current rape shield law is regarding propensity witnesses. There are times pursuant to the Missouri constitution and/or statute that others who have been victims of sexual offenses by the same defendant are allowed to testify about such victimization. They are referred to as propensity witnesses. Some propensity witnesses have been afforded the protections under the current rape shield law while others have not. Some have taken the position a propensity witness is not a complaining witness and therefore not to be afforded the rape shield protections. By changing complaining witness to victim or witness, it is clear these protections are available to propensity witnesses. SB775 provides clarification and meaningful protection at all stages of the criminal process and to all survivors of sexual offenses. Thank you for your thoughtful consideration of this very important and beneficial legislation.



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>AMY SCHWARTZ</b>		PHONE NUMBER: <b>573-893-3700</b>	
REPRESENTING: <b>MISSOURI HOSPITAL ASSOCIATION</b>		TITLE:	
ADDRESS: <b>4712 COUNTRY CLUB DRIVE</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65109</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>4/11/2022 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>ARNIE C."HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>arniedienoff@yahoo.com</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>4/11/2022 11:54 PM</b>

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**I Support Most Parts of this Bill and Legislation. However I caution the House as Parts of this Bill Still Need Some Fine-Tuning and Amendments to Protect ALL Victims of Sexual Assault, regardless if they are Female or Male.**



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>DARRELL L. MOORE</b>		PHONE NUMBER:	
REPRESENTING: <b>MISSOURI ASSOCIATION OF PROSECUTING ATTORNEYS; MISSOURI OFFICE OF PROSECUTION SERVICES</b>		TITLE:	
ADDRESS: <b>200 MADISON STREET, SUITE 1060, PO BOX 899</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65102</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>4/11/2022 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>JENNIFER CARTER DOCHLER</b>		PHONE NUMBER: <b>573-356-4109</b>	
REPRESENTING: <b>MISSOURI COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE (MOCADSV)</b>		TITLE: <b>PUBLIC POLICY DIRECTOR</b>	
ADDRESS: <b>217 OSCAR, STE. A</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65101</b>
EMAIL: <b>jennc@mocadsv.org</b>	ATTENDANCE: <b>In-Person</b>		SUBMIT DATE: <b>4/11/2022 12:28 PM</b>
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**MOCADSV supports legislation that addresses recommendations from the Missouri Rights of Victims of Sexual Assault Task Force such as revising the Sexual Assault Survivors' Bill of Rights and expanding rape shield protections.**



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>JESSICA PETRIE</b>		PHONE NUMBER: <b>573-635-6092</b>	
REPRESENTING: <b>MISSOURI KIDSFIRST</b>		TITLE:	
ADDRESS: <b>PO BOX 1805</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65109</b>
EMAIL: <b>jessica@wintonpolicygroup.com</b>	ATTENDANCE: <b>In-Person</b>		SUBMIT DATE: <b>4/11/2022 1:13 PM</b>
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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>MAGGIE OLIVIA EDMONDSON</b>		PHONE NUMBER: <b>314-368-1137</b>	
REPRESENTING: <b>POLICY MANAGER</b>		TITLE: <b>POLICY MANAGER</b>	
ADDRESS: <b>1210 S VANDEVENTER</b>			
CITY: <b>ST. LOUIS</b>		STATE: <b>MO</b>	ZIP: <b>63110</b>
EMAIL: <b>maggie@prochoicemissouri.org</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>4/11/2022 12:43 PM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			

Chairman Patterson, Vice-Chairman Davidson, members of the committee; thank you for the opportunity to submit testimony today in support of SB 775 that affords rights of and protections for victims and survivors of sexual assault. Pro-Choice Missouri works to protect and expand every Missourian's right to bodily autonomy, to access essential reproductive healthcare, to access accurate information in order to make the best decisions for ourselves and our families, and to parent our children in safety and dignity. Moreover, we work to ensure reproductive justice for all Missourians, which includes advocating where our bodily autonomy, family security and physical/mental/spiritual safety connect with our sexual and reproductive lives. Pro Choice Missouri believes survivors. We know that the vast majority of sexual violence goes unreported and that those that do move forward within the legal/carceral system rarely result in consequences for the perpetrator. The victims however, consistently report traumatic consequences for reporting; like interrogation, slut shaming, and harassment. The rights solidified in this bill will provide survivors who decide to move forward within the legal/ carceral system a necessary cushion from some of those most traumatic experiences, like cross examination regarding past sexual experiences for example. SB 775 is an important piece of the larger changes that must be made to truly promote a culture that believes and supports survivors. Abusers use many tactics to create a culture that protects them and silences their victims. Isolation, stigmatization, re-traumatization, financial/ reputational coercion, shame etc all intertwine and contribute to disclosure hesitancy for many victims. Survivors often feel like they must sacrifice their physical, mental and/ or spiritual safety in order to disclose; and that can take a long time to prepare for. In order to support survivors and create a culture that treats them with dignity and respect we must build safety to disclose into our policy and practices. Sexual violence is about power and control. Power and control over their victim's safety, security and bodily autonomy. Pro Choice Missouri encourages this body to push harder and further protections for victims of sexual violence, whether or not they choose to move forward with the legal/ carceral system, to develop a culture of safety and security that values the bodily autonomy of every body. It must be noted that Pro Choice Missouri does not support the amended Senate language that includes political interference in Missouri schools that further stigmatizes sex, therefore enabling the culture of silence around sexual violence. Comprehensive, age appropriate sexual education as early as possible is known to encourage an understanding of bodily autonomy amongst children and young people, strengthen understanding of consent, and reduce rates of unreported sexual violence. Pro Choice Missouri encourages this body to consider proven methods of sexual violence reduction, like comprehensive and age appropriate sexual education, to replace the unnecessary additional language added to the bill on the Senate floor that imparts to "protect children" from inappropriate sexual content in name-only. Pro-Choice Missouri urges the committee to make necessary amendments to this bill to reflect our above named concerns,



to continue to work to foster a culture of safety and respect for survivors, and to advance this bill.  
Thank you.



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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>DAVA-LEIGH BRUSH</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>dems22blue@gmail.com</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>4/11/2022 3:10 PM</b>
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This is a good bill and should have come over without the Brattin amendment on it but here we are. As a survivor of sexual assault nearly 40 years ago, I know how the process is and the shaming that can happen. After one meeting with law enforcement, I walked away. After private therapy and years of personal growth, I am not triggered very often any more. I applaud Sen Rehder for sharing her story and using it to advance the protections for survivors which are MUCH needed in Missouri. That is why I would like to see the Brattin Amendment removed from this bill and let it go forward as she originally intended. I know that Rep. Richey made a minor case that it does belong, but it is tangential at best. He focused on assigned materials and used the very same anecdote about his experience with a teacher as he did to advocate for the first version of his parents bill of rights. This seems to be a backdoor to be able to ban books and target teachers. The concern I have is that no one addressed books' availabilities in classroom or school libraries where students can CHOOSE to select them. Rep. McCreery is correct that this part of the bill targets educators. Why? Rep. Aune is correct that students need to see themselves reflected in literature, not only to see healthy relationships to perhaps know theirs is not and seek help, but also to know they are not alone in the world. There has been a push to LGBTQ+ literature from schools. Is this why the bill uses "deviant," because some representatives have made it clear that they believe that community are such? This tenuous amendment on an otherwise solid and necessary bill will do just that because the verb "loan" could render librarians vulnerable if those books are available. The bill should go forward as Sen. Rehder intended, without this bill. Let the amendment makers bring it forward as a bill to stand on its own merits or not.



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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>JEFF WOLMAN</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>youwontfindanythinghere@pm.me</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>4/11/2022 11:53 PM</b>
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>SUSAN GIBSON</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>Onesuegibson@protonmail.com</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>4/9/2022 4:08 AM</b>
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I appreciate the intent of this bill, but it could lead to book banning in schools.