

HCS HB 615 -- JUDICIAL PROCEEDINGS

SPONSOR: Coleman

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime and Public Safety by a vote of 18 to 0. Voted "Do Pass" by the Standing Committee on Rules-Administrative by a vote of 8 to 0.

The following is a summary of the House Committee Substitute for HB 615.

This bill specifies that a person who undertakes or attempts to undertake the practice of court reporting for money without having a court reporter license from the Board of Certified Court Reporters Examiners, knowingly presents or files false information with the Board for the purpose of obtaining a license, or holds such license and knowingly signs and affixes his or her signature and license number to a transcript for which he or was not present and did not personally report the proceedings reflected in the transcript will be guilty of a class A misdemeanor.

An unlicensed person cannot bring or maintain an action to recover fees for court reporting services. Additionally, a person cannot assume or use the title or designation "court reporter," "court recorder," or "shorthand reporter," or any other indication that the person is a court reporter, court recorder, or shorthand reporter unless the person is a certified court reporter by the Board.

The provisions of this bill are also applicable to a court reporting firm and the court may enforce this bill by assessing a reasonable fee against a court reporting firm. Additionally, this bill will not apply to court reporting services performed outside of Missouri by a foreign court reporter not certified in Missouri for use in a court proceeding in Missouri, if the work resulting from those services is produced and billed wholly outside of Missouri.

The bill provides certain circumstances under which a certified court reporter or court reporting firm is prohibited from entering into or provide services under any contractual agreement.

The bill makes clarifications in provisions related to depositions or examinations of witnesses to specify that the provisions apply to testimony taken before a certified court reporter and reported stenographically by machine or voice. The bill repeals a provision allowing the judicial officer to sign a deposition when it is not signed by a witness and allowing the judicial officer to state on

the record why the deposition was not signed, allowing the deposition to then be used as though it was fully signed. The bill also repeals a provision requiring the officer taking the deposition to enclose the deposition and the officer's certificate in an envelope and deliver it to the recorder of the county where the suit is pending or where the property or matter is situated or belongs. Lastly, it repeals a provision limiting the amount that can be awarded for copies of depositions.

Currently, a statement made by a child under the age of 14 that would otherwise be inadmissible in court, including a visual and an aural recording of a verbal or nonverbal statement of that child, is admissible in court in matters relating to offenses under Chapter 565, 566, 568, or 573, RSMo. This bill changes the age to children under 18. The bill also adds that a visual and an aural recording of a verbal or nonverbal statement of a "vulnerable person", as defined in the bill, is also admissible when relating to an offense under Chapter 565, 566, 568, or 573.

This bill also modifies the offense of enticement of a child by increasing the age of the victim from less than 15 years old to less than 17 years old.

Additionally, the bill modifies the penalty provisions for the offense of patronizing prostitution. Currently, the penalty distinctions are for victims older than 14 years of age and 14 or younger. This bill increases the age from 14 to 15 years old and modifies the offense of patronizing prostitution if the individual being patronized is 15 years of age or younger from a class D felony to a class B felony.

This bill provides that a person who pled guilty to or was found guilty of certain sexual offenses as specified in the bill will be required to pay \$10,000 in restitution per identified victim and \$2,500 for each county in which the offense or offenses occurred, payable to the State to be deposited into the newly established "Human Trafficking and Sexual Exploitation Fund". Upon receipt of money from the Fund, a county must allocate disbursement of the funds according to the requirements in the bill.

This bill establishes the "Human Trafficking and Sexual Exploitation Fund". The moneys in the Fund will be distributed to the county where the human trafficking offense occurred.

The county will allocate \$10,000 toward local rehabilitation of human trafficking victims and \$2,500 toward local education programs for convicted human trafficking offenders and to increase the number of law enforcement officers to enforce human trafficking laws.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

**PROponents:** Supporters say that this bill increases ages for certain aspects of the offenses, and it allows for kids who are under the age of 18 to testify by audio or video so they do not have to face those who committed the offenses against them. Minors should be protected by the law allowing certain people to testify via audio or video. There is no reason to not protect people all until they're legally adults. Children under 14 have already gone through trauma and should be protected, but there are concerns about the 6th amendment, which allows a defendant to face his accuser, so we want to make sure we protect those rights while also protecting children. Many sex offenders are repeat offenders who are getting off because of who they know. We need to make sure each elected prosecutor stops making deals with sex offenders.

Testifying in person for the bill were Representative Coleman; Robert W. Russell, Missouri Association Of Prosecuting Attorneys; David J. Klarich, Missouri Court Reporters Association; Arnie C. Dienoff; Matthew Thompson, Missouri Network Against Child Abuse.

**OPponents:** Those who oppose the bill submitted their testimony in writing.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.