

SECOND REGULAR SESSION

HOUSE BILL NO. 2109

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROBERTS.

4957H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 575.270, RSMo, and to enact in lieu thereof two new sections relating to victims of crime, with penalty provisions.

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

Section A. Section 575.270, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 455.400 and 575.270, to read as follows:

455.400. 1. As used in this section, "family justice center" means a multiagency, multidisciplinary center in which governmental and nongovernmental organizations provide co-located on-site and off-site services to persons seeking assistance as a result of victimization related to domestic violence, sexual assault, stalking as defined in section 455.010, child abuse or neglect, abuse of an eligible adult as defined in section 192.2400, and victims of trafficking as defined in 566.200.

2. A family justice center shall:

(1) Require persons employed by or volunteering directly for the family justice center to maintain confidentiality of any information that would identify individuals served by the center and any information or records that are related to the services provided to such individuals;

(2) Prior to providing any services, inform any person served by the family justice center of the nature and scope of the confidentiality requirements of subdivision (1) of this subsection; and

(3) Not require persons served by the family justice center to participate in the criminal justice system or cooperate with law enforcement in order to receive advocacy, counseling, medical care, or other services provided at a family justice center.

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.

18 **3. A family justice center may include, but is not limited to, personnel and**
19 **volunteers from the following governmental and nongovernmental organizations or**
20 **providers:**

- 21 **(1) Law enforcement personnel;**
- 22 **(2) Medical personnel;**
- 23 **(3) Prosecuting and circuit attorneys;**
- 24 **(4) Victim-witness program personnel;**
- 25 **(5) Domestic violence shelter service staff;**
- 26 **(6) Rape crisis centers;**
- 27 **(7) Human trafficking advocates;**
- 28 **(8) The department of social services, including the children's division;**
- 29 **(9) County health department staff;**
- 30 **(10) Welfare and public assistance workers;**
- 31 **(11) Counseling professionals;**
- 32 **(12) Civil legal service providers; and**
- 33 **(13) Other professionals providing services.**

34 **4. Any person employed by or serving as a volunteer of a family justice center**
35 **shall be incompetent to testify concerning any confidential information in subsection 2**
36 **of this section unless the confidentiality requirements are waived in writing by the**
37 **person served by the family justice center.**

38 **5. Any person providing services to another person at a family justice center**
39 **under the provisions of this section shall not be liable for civil damages while acting in**
40 **the official scope of his or her duties if the person, in good faith, makes a**
41 **recommendation, gives an opinion, or releases or uses information for the purposes of**
42 **protecting or providing services to the other person. Such limitation of civil liability**
43 **does not apply if the person providing services acted with gross negligence or in bad**
44 **faith.**

45 **6. A city, county, or nonprofit agency may individually or collectively establish a**
46 **family justice center.**

 575.270. 1. A person commits the offense of tampering with a witness or victim if:

- 2 (1) With the purpose to induce a witness or a prospective witness to disobey a
3 subpoena or other legal process, absent himself or herself, avoid subpoena or other legal
4 process, withhold evidence, information, or documents, or testify falsely, he or she:
 - 5 (a) Threatens or causes harm to any person or property; or
 - 6 (b) Uses force, threats or deception; or
 - 7 (c) Offers, confers or agrees to confer any benefit, direct or indirect, upon such
8 witness; or

9 (d) Conveys any of the foregoing to another in furtherance of a conspiracy; or
10 (2) He or she purposely prevents or dissuades or attempts to prevent or dissuade any
11 person who has been a victim of any crime or a person who is acting on behalf of any such
12 victim from:

13 (a) Making any report of such victimization to any peace officer, state, local or federal
14 law enforcement officer, prosecuting agency, or judge;

15 (b) Causing a complaint, indictment or information to be sought and prosecuted or
16 assisting in the prosecution thereof;

17 (c) Arresting or causing or seeking the arrest of any person in connection with such
18 victimization.

19 2. The offense of tampering with a witness or victim is a class A misdemeanor, unless
20 the original charge is a felony, in which case tampering with a witness or victim is a class D
21 felony. Persons convicted under this section shall not be eligible for **probation**, parole,
22 **conditional release, or suspended imposition or execution of sentence.**

23 3. **It is the intent of the legislature to reject and abrogate earlier case law**
24 **interpretations of subdivision (2) of subsection 1 of this section including, but not be**
25 **limited to, *State v. Owens*, 270 S.W.3d 533 (Mo. App. W.D. 2008), that requires the state**
26 **to prove the underlying criminal offense to prove an offense under this section.**

27 4. As used in this section, a "victim of any crime" shall be interpreted broadly to
28 include any person who:

29 (1) Attempted to report such a victimization;

30 (2) Reported such a victimization;

31 (3) Caused a complaint, indictment, or information to be sought; or

32 (4) Is alleged as the victim in a felony complaint, indictment, misdemeanor
33 information, or felony information.

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