



## New 2007 Missouri Laws

To: MCADSV Members

From: Colleen Coble, Chief Executive Officer

Date: September 4, 2007

Re: New 2007 Missouri Laws

The staff of MCADSV is pleased to send to you the enclosed publication regarding Missouri laws enacted in 2007. This document details legislative developments from 2007 that are relevant your work as advocate. In response to requests from members, MCADSV staff compiled this information as a follow-up resource to the MCADSV *Legislative Update*. This publication contains the dates on which the laws went into effect and provides references to the Missouri Revised Statutes.

We hope you will find this information beneficial as you provide advocacy services and as you discuss the recent changes in the law with those in your community. You may want to speak with judges, prosecutors, health care providers, attorneys, court clerks, survivors and others about the existence of the new legislation and how the changes in the law can assist those in your community who are working to address violence against women. Please feel free to make copies of this publication to distribute to community partners.

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# MISSOURI LAW: 2007

## CHANGES IN MISSOURI STATE AGENCIES & SYSTEMS

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**STATUTE**  
**191.225**  
**RSMo.**

### **NEW PROVISIONS ENACTED REGARDING SEXUAL ASSAULT FORENSIC EVIDENCE EXAMS**

#### **DEPARTMENT OF HEALTH AND SENIOR SERVICES MUST PAY FOR SEXUAL ASSAULT FORENSIC EVIDENCE EXAMS**

##### **191.225.1 RSMo.**

**PASSED AS**  
HB 583

No victim of a sexual offense can be charged for the costs of a sexual assault forensic evidence exam in Missouri as a result of a change in state law 191.225.1 RSMo., which became effective on August 28, 2007.

This 2007 law mandates that the Missouri Department of Health and Senior Services (DHSS) pay for charges associated with the sexual assault forensic evidence examinations of rape and sexual assault victims. The Department cannot bill the victim for the costs of the forensic evidence exam and is to directly pay medical providers for the forensic evidence exam charges. This is a change from the Department’s prior practice of billing her insurance, Medicare or Medicaid for the exam. In order for the Department to pay a hospital or medical provider for the exam, the following must occur:

- ▶ A victim or a victim’s guardian must consent in writing to the examination (191.225.1(1) RSMo.);
- ▶ The report of the examination is made on a form prepared by DHSS (191.225.1(2) RSMo.);
- ▶ The medical provider must file a report of the examination with the prosecuting attorney of the county in which the incident occurred. Previously, the victim was responsible for filing the report. Additionally, the report filed with the prosecuting attorney has been revised by DHSS. It will be a one-page form that no longer contains detailed medical and personally identifying information. The medical provider must file the report within three business days of completing the forensic evidence exam (191.225.1(3) RSMo.).

#### **MINORS MAY CONSENT TO FORENSIC EVIDENCE EXAMS**

##### **191.225.2 RSMo.**

No changes were made to existing Missouri law 191.225.2 RSMo. that allows a minor to consent to a forensic evidence exam without the prior consent of a parent or guardian. However, advocates should be aware that this section of law also requires that the medical provider give written notice to the parent or guardian that the exam took place.

<b>BILL HISTORY</b>	
1/24/07	Introduced
5/17/07	Passed by Missouri General Assembly
7/12/07	Signed into law by Governor Matt Blunt
8/28/07	Law effective date



# MISSOURI LAW: 2007

## CHANGES IN MISSOURI STATE AGENCIES & SYSTEMS (CONT.)

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**STATUTE**  
**191.225**  
**RSMo.**

**PROCEDURES FOR FORENSIC EVIDENCE EXAMS AND CHECKLISTS FOR MEDICAL TREATMENT OF VICTIMS**  
**191.225.3 RSMo.**

The Missouri Attorney General is required by 191.225.3 RSMo. to develop forms and procedures to be used for gathering evidence. This section of law also requires the Department of Health and Senior Services to develop a checklist for medical providers to refer to while providing medical treatment to victims of a sexual offense.

**PASSED AS**  
HB 583

**FORENSIC EVIDENTIARY COLLECTION KITS PROVIDED TO MEDICAL PROVIDERS**  
**191.225.4 RSMo.**

The Missouri State Highway Patrol, or its designees and eligible crime labs, is required by 191.225.4 RSMo. to develop and distribute sexual assault evidentiary collection kits to hospitals and medical providers. The kits, along with the forms and procedures for gathering evidence during a sexual assault forensic evidence exam, are to be distributed upon the request of providers, in the amount requested and at no charge to medical providers. Medical providers must use the kits, so long as they have the written consent of the victim, to perform a forensic evidence exam.

**SEXUAL ASSAULT VICTIMS' MEDICAL EXPENSES MAY BE REIMBURSED BY CRIME VICTIMS' COMPENSATION**  
**191.225.5 RSMo.**

The 2007 changes to this section of law make a distinction between the charges for a sexual assault forensic evidence examination—which will be paid for by the Department of Health and Senior Services—and any additional charges related to the medical care and treatment received by a victim of sexual assault. However, a change in 191.225.5 RSMo. allows the medical provider to seek compensation for those medical treatment costs from Crime Victims' Compensation (CVC). This requires that the sexual assault victim be eligible for crime victims' compensation, under the sections of Missouri law 595.010—595.075 RSMo. Among other eligibility requirements, victims are required to report the crime against them to a law enforcement agency, but changes to the CVC statute 595.030.2 RSMo. states that the report filed by the medical provider to the prosecuting attorney may fulfill a sexual assault victim's reporting requirement. The eligibility requirements for CVC, with some 2007 changes, are detailed on page 4: *Changes to Crime Victims' Compensation: Forensic Exam Report May Be Used to Meet Crime Victims' Compensation Reporting Requirements.*

# MISSOURI LAW: 2007

## CHANGES IN MISSOURI STATE AGENCIES & SYSTEMS (CONT.)

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**STATUTE**  
**191.225**  
**RSMo.**

**LAW DEFINES THOSE WHO CAN PERFORM SEXUAL ASSAULT  
FORENSIC EVIDENCE EXAMS**  
**191.225.6 RSMo.**

**PASSED AS**  
HB 583

This section of law defines an “appropriate medical provider” who is legally authorized to perform a sexual assault forensic evidence exam. This definition includes any licensed nurse, physician, physician assistant, and any institution employing these licensed health care providers who perform the forensic evidence exams. The Department of Health and Senior Services will reimburse only those institutions and individuals who meet the definition of “appropriate medical provider” for the charges of forensic evidence exams.

# MISSOURI LAW: 2007

## CRIME VICTIMS' COMPENSATION

**EXECUTIVE  
ORDER NO.  
07-07**

### **CRIME VICTIMS' COMPENSATION MOVED TO THE DEPARTMENT OF PUBLIC SAFETY**

Through an Executive Order issued by Governor Matt Blunt in early 2007, the administration of the Crime Victims' Compensation fund has moved from the Missouri Department of Labor and Industrial Relations, Division of Workers' Compensation to the Missouri Department of Public Safety. The appeals process for those denied a claim for crime victims' compensation will remain in the Division of Workers' Compensation as that division of state government has administrative law processes and hearing judges that the Department of Public Safety does not have.

#### **HISTORY**

1/30/07 Order effective date

**STATUTE  
595.030—  
595.036  
RSMo.**

### **CHANGES TO CRIME VICTIMS' COMPENSATION**

#### **FORENSIC EXAM REPORT MAY BE USED TO MEET CRIME VICTIMS' COMPENSATION REPORTING REQUIREMENTS 595.030.2 RSMo.**

**PASSED AS  
HB 583**

A 2007 amendment to this statute governing the Crime Victims' Compensation (CVC) program should allow a victim of a sexual offense crime to become eligible for compensation without having reported the crime to a law enforcement agency. This provision in 595.030.2 RSMo. states that, in the case of a sexual offense, "filing a report of the offense to the proper authorities may include, but not be limited to, the filing of the report of the forensic examination by the appropriate medical provider . . . with the prosecuting attorney of the county in which the alleged incident occurred."

Previous language defined eligibility for crime victims' compensation as requiring a victim to report to law enforcement within 48 hours of the crime and have "police records" that shows the report was made.

Advocates should be aware that a victim of a sexual offense who is denied crime victims' compensation—because the crime wasn't reported to law enforcement—has the right to seek a good cause exemption from staff of CVC. Additionally, a denial of a claim for crime victims' compensation can be appealed. The appeals process is detailed below. For a full list of eligibility requirements for crime victims' compensation, see 595.015-020 RSMo.

#### **BILL HISTORY**

1/24/07 Introduced  
5/17/07 Passed by Missouri General Assembly  
7/12/07 Signed into law by Governor Matt Blunt  
8/28/07 Law effective date

# MISSOURI LAW: 2007

## CRIME VICTIMS' COMPENSATION (CONT.)

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**STATUTE**  
**595.030–**  
**595.036**  
**RSMo.**

**VICTIMS CAN BE COMPENSATED FOR PERSONAL PROPERTY SEIZED BY LAW ENFORCEMENT**  
**595.030.1(2) RSMo.**

Victims of a crime can be reimbursed for their out-of-pocket losses, to a maximum of \$250, for the cost of personal property seized as evidence by law enforcement officers during the investigation of a crime.

**PASSED AS**  
HB 583

**APPEALS PROCESS ENHANCED FOR THOSE DENIED CRIME VICTIMS' COMPENSATION**  
**595.036 RSMo.**

The process by which a victim of crime can appeal the denial of a claim for crime victims' compensation has been enhanced in Missouri law 595.036.1-4 RSMo.

If a victim of crime is denied a claim for crime victims' compensation, she may now file a petition with the Division of Workers' Compensation. The petition requests a hearing before an administrative law judge, who will review the decision and make a ruling on the case.

A victim may appeal an administrative law judge's decision to the Labor and Industrial Relations Commission (595.036.2 RSMo.). Prior to August 2007, this was the only appeal option available. Now a crime victim can appeal a denial by the Labor and Industrial Relations Commission to the Missouri Court of Appeals (595.036.4 RSMo.) The Court of Appeals will only review questions of law while the administrative law judge and the Commission may consider additional evidence. All appeal petitions must be filed by the victim of crime within 30 days of receiving the decision to be appealed.

# MISSOURI LAW: 2007

## ADDRESS CONFIDENTIALITY

**STATUTES**  
589.660-  
589.683  
RSMo.

**PASSED AS**  
HB 583

### **“SAFE AT HOME” ADDRESS CONFIDENTIALITY PROGRAM ESTABLISHED** **589.660-589.663 RSMo.**

The “Safe at Home” Address Confidentiality Program, established in the Missouri Secretary of State’s office, allows victims of domestic violence, rape, sexual assault or stalking to receive an alternative address that would protect their physical street addresses from being disclosed in public documents and records. Prior to the Safe at Home program, victims were required to provide a physical street address, rather than a post office box, to governmental bodies for purposes such as obtaining a driver’s license or registering to vote. Through the Safe at Home program, the Missouri Secretary of State’s office will register victims in the address confidentiality program and then issue those victims an authorization card or letter with a designated address that will be accepted by state and local governmental agencies and the courts. Mail labeled with the alternative address will go to the Secretary of State’s office, and, through the Safe at Home program, that mail will be forwarded to the actual physical street address of those participating in the program. Persons enrolled in the address confidentiality program can request that one or more street addresses be kept confidential.

### **ADVOCATES MUST BE CERTIFIED TO ASSIST VICTIMS IN REGISTERING FOR SAFE AT HOME PROGRAM** **589.660(2) RSMo.**

The Safe at Home program will allow the Secretary of State’s Office to train and register domestic and sexual violence advocates as “application assistants” to help victims complete and file the necessary forms to register for the address confidentiality program. The Secretary of State’s Office plans to provide ongoing opportunities throughout Missouri to train and register advocates, including collaboration with MCADSV to provide training and registration of additional advocates.

### **TERMS OF PARTICIPATION IN SAFE AT HOME PROGRAM** **589.663-589.666 RSMo.**

After completing an application and being certified as a “program participant,” a person can remain in the Secretary of State’s address confidentiality program for four years. Participation in the Safe at Home program can be voluntarily cancelled, or it can be ended by the Secretary of State’s office if the participant fails to provide notice of a change of her name or address. A victim must inform the Secretary of State within 10 business days of changing her name or address. The Secretary of State will notify participants

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# MISSOURI LAW: 2007

## ADDRESS CONFIDENTIALITY (CONT.)

**STATUTES**  
**589.660-**  
**589.683**  
**RSMo.**

in the program at least four weeks prior to the expiration of their registration. Individuals are allowed to reapply to continue in the program after the expiration of their initial registration.

### **STATUTORY GUIDELINES GOVERNING DISCLOSURE OF A VICTIM'S PHYSICAL ADDRESS**

**589.669-589.675 RSMo.**

**PASSED AS**  
HB 583

#### *To a Law Enforcement Officer:*

A law enforcement officer can obtain the physical address of a person participating in the Safe at Home program if the officer submits a written or verbal request to the Secretary of State's office. The law enforcement officer must specify the reason the address is required, the individuals who will have access to the records, an explanation of why the law enforcement agency cannot meet its obligation by changing its procedures or rules, and the name of the requesting individual's direct supervisor as well as the contact information for the supervisor. In the event of an emergency, the Secretary of State's office may release the address of a victim with a verbal request from the law enforcement officer so long as the officer can adequately justify why the circumstances merit an emergency.

#### *To a State Agency:*

A director of a state agency, or a designee, also can obtain the physical address of a Safe at Home participant if that agency would be unable to fulfill its legal duties and obligations without having the victim's physical address. All disclosure requests from state agencies must be made in writing, detailing the statute or administrative rule that demonstrates the agency's need for the physical address of a victim, the individuals who will have access to the victim's information, and an explanation of why the agency cannot meet its statutory or administration obligation by changing its rules or procedures.

#### *In Response to a Court Order:*

The Secretary of State will disclose the address of a Safe at Home participant in response to a court order which states the reasons for disclosure.

# MISSOURI LAW: 2007

## PROGRAM SERVICES

**STATUTES**  
**431.056**  
**RSMo.**

### **DOMESTIC AND SEXUAL VIOLENCE SERVICES LEGALLY PROVIDED TO QUALIFIED MINORS** **431.056 RSMo.**

**PASSED AS**  
HB 583

Missouri law 431.056 RSMo. has been clarified to specify that a 16- or 17-year old “qualified minor” can receive a range of services from domestic and sexual violence programs. The previous language in the law allowed qualified minors to be admitted to domestic violence shelters, but was unclear in specifying that the minor could receive other services from the shelter. The provisions in 431.056 RSMo. also were expanded to allow the provision of sexual assault services to qualified minors as well as services from non-residential domestic violence programs. Domestic and sexual violence services are defined as including, but not limited to, counseling, court advocacy, financial assistance and other advocacy services.

A qualified minor is defined as a person (1) who is 16 or 17 years of age, (2) who is homeless or a victim of domestic violence (unless the minor is under the supervision of the Children’s Division or the jurisdiction of the juvenile court), (3) who is self-supporting, which is defined as being “without the physical or financial support of a parent or legal guardian,” and (4) whose parent or legal guardian has consented to the minor living independent of the parents’ or guardians’ control.

Under the definition in 431.056 RSMo., a parent or guardian’s consent for a qualified minor to independently obtain services may be expressed or implied. Implied consent includes, but is not limited to, barring the minor from the home, indicating that the minor is not welcome to stay, refusing to provide any or all financial support for the minor or abusing or neglecting the minor.

Qualified minors are legally allowed to enter valid contracts for education, housing, employment, purchase of an automobile, student loans, medical care, bank accounts, and domestic and sexual violence services.

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1/24/07	Introduced
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# MISSOURI LAW: 2007

## PROGRAM SERVICES (CONT.)

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**STATUTES**  
**455.003**  
**RSMo.**

### **CONFIDENTIALITY REQUIREMENT ADDED FOR ADVOCATES IN RAPE CRISIS CENTERS** **455.003 RSMo.**

**PASSED AS**  
HB 583

Staff and volunteers working for rape crisis centers now have a legal obligation to maintain the confidentiality of communications among sexual assault survivors and advocates. This new statute parallels the confidentiality protections already in place for domestic violence shelter employees and volunteers. The new Missouri statute, 455.003 RSMo., imposes the same confidentiality requirements on rape crisis centers as currently are required of domestic violence shelters. A rape crisis center is defined as any public or private agency that offers assistance to victims of sexual assault (as defined by 455.010 RSMo.) who are adults or qualified minors.

Rape crisis centers must require anyone employed by or volunteering services to the center to maintain confidentiality of any information that would identify survivors of sexual assault who receive services from the center, and they must maintain confidentiality about any information or records that are directly related to the advocacy services provided to the survivors. Employees and volunteers of the center also are considered incompetent to testify about any confidential information, unless the confidentiality requirement is waived in writing by the survivor. In addition, the center's employees and volunteers must inform survivors of the nature and scope of the confidentiality requirements prior to providing any advocacy services.

The provisions of 455.003 RSMo. are almost identical to the confidentiality requirements imposed on domestic violence shelters in 455.220 RSMo. MCADSV's position is that the new statute should receive the same strict statutory construction as was announced in the case of *State ex. rel Hope House v. Merrigan*, 133 S.W.3d 44 (Mo. 2004). In the *Hope House* case, the Missouri Supreme Court upheld the confidentiality requirements for domestic violence shelters in 455.220 RSMo. The Court found that domestic violence shelters in Missouri cannot be compelled by subpoena to release records unless they have a written release from the person who received services from the shelter. MCADSV advises rape crisis centers to follow the holding in *Hope House* by not releasing records that are subpoenaed for a court case unless the survivor voluntarily signs a written release for the records or information.

The provisions of 455.003 RSMo. further support federal law, enacted in the 2005 Violence Against Women Act (VAWA), which prohibits VAWA grantees and subgrantees from either disclosing any personally identifiable information or revealing individual client information unless the individual provides informed, written, time-limited consent, unless exceptions such as mandated child abuse reporting or court orders exist (42 U.S.C. Section 13925 (VAWA 2005 Section 3-40002)).

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# MISSOURI LAW: 2007

## ENHANCEMENTS TO CRIME VICTIMS' RIGHTS

**STATUTES**  
**566.224**  
**RSMo.**

### **POLYGRAPH TESTING OF SEXUAL ASSAULT VICTIMS PROHIBITED** **566.224 RSMo.**

This 2007 section of law prohibits law enforcement officers, prosecuting or circuit attorneys, peace officers and governmental officials from requesting or requiring a sexual assault victim to take a polygraph or psychological stress evaluator exam as a condition for proceeding with a rape investigation. Law enforcement officers would still be allowed to ask a victim of a sexual offense to submit to a polygraph test during the course of a criminal investigation but it cannot be requested or required before the investigation begins. The provisions of 566.224 RSMo. were required under the federal 2005 Violence Against Women Act (VAWA) for the state of Missouri to retain eligibility to receive VAWA grant funds.

**PASSED AS**  
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**STATUTES**  
**566.226**  
**RSMo.**

### **COURTS MUST REMOVE VICTIMS' IDENTIFYING INFORMATION FROM COURT RECORDS** **566.226 RSMo.**

Missouri courts are required under the provisions of 566.226 RSMo. to remove—"redact"—and prohibit the disclosure of personally identifying information about any victim of sexual assault, domestic assault, stalking or forcible rape. Section 566.226.1 RSMo., requires that any information contained in any court record, whether written or on the Internet, that could be used to identify or locate a victim of domestic or sexual violence or stalking must be closed and redacted from the record before the record is disclosed to the public. Identifying information is defined as including the victim's name, home or temporary address, telephone number, Social Security number, or physical characteristics.

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Under the provisions of 566.226.2 RSMo., a court may allow access to a victim's personally identifying information only if the court determines that the person or entity requesting the information has a legitimate interest in obtaining the information and that the disclosure would not compromise the welfare or safety of the victim.

The federal 2005 Violence Against Women Act (VAWA) prohibits states from making available to the public on the Internet any information regarding the registration or filing of a protection order, restraining order or injunction in either the issuing or enforcing state, if such publication would be likely to publicly reveal the identity or location of the party protected by the order (18 U.S.C. Section 2265(d) (VAWA 2005 Section 106)).

# MISSOURI LAW: 2007

## ENHANCEMENTS TO CRIME VICTIMS' RIGHTS (CONT.)

**STATUTES**  
**455.038**  
**RSMo.**

### **CIRCUIT CLERKS REQUIRED TO INFORM VICTIMS ABOUT MOVANS** **455.038 RSMo.**

This new section of the Missouri Adult Abuse Act requires that circuit clerks inform petitioners for *Ex Parte* Orders of Protection information that they can choose to enroll in the Missouri Victim Automated Notification System (MOVANS) to receive automated notice by phone when the *Ex Parte* Order is served. The law further requires that the local law enforcement agency or other government agencies responsible for serving *Ex Parte* Orders of Protection will track any attempted service to the respondent and make a good faith effort to notify the petitioner when no more service attempts are planned by that agency. As MOVANS is not operational in all Missouri counties, only counties where circuit clerks are able to gain access to the system are required to comply with the law. For more information on MOVANS, go to: [www.doc.missouri.gov/Victims/movan.htm](http://www.doc.missouri.gov/Victims/movan.htm)

**PASSED AS**  
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**STATUTES**  
**595.209**  
**RSMo.**

### **VICTIMS HAVE RIGHT BE REPRESENTED BY DESIGNEE AT HEARINGS** **595.209.1(6) RSMo.**

Victims of crime have the right to have their attorney or another representative whom they designate to represent them and make statements on their behalf at probation revocation hearings, parole hearings and any other hearings for the release of a probationer or parolee.

**PASSED AS**  
HB 583

<b>BILL HISTORY</b>	
1/24/07	Introduced
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### **VICTIMS CAN REQUEST TO BE SHIELDED FROM VIEW OF OFFENDER AT HEARINGS** **595.209.1(6) RSMo.**

Victims who appear at probation revocation or parole hearings have the right to submit a written request to the Board of Probation and Parole that a partition be set up at probation or parole hearings so they can be shielded from the view of the probationer or parolee.

### **EMPLOYERS CANNOT MAKE VICTIMS USE LEAVE TIME TO APPEAR IN COURT** **595.209.1(14) RSMo.**

Additional language was added to this section of Missouri's crime victims' rights laws to clarify that employers are prohibited from requiring an employee to take vacation, sick or personal leave to attend a court hearing or preparatory meeting for any criminal proceeding in which they have been subpoenaed.

# MISSOURI LAW: 2007

## CRIMINAL OFFENSES

**STATUTES**  
**565.072**  
**RSMo.**

### **ENHANCED FIRST DEGREE DOMESTIC ASSAULT PUNISHMENT FOR REPEAT OFFENDERS**

**565.072 RSMo.**

The criminal penalty for an offender convicted of a repeat first degree domestic assault offense was increased to a class A felony in 565.072 RSMo. The enhanced felony-level criminal penalty applies if the offender previously pled guilty or was found guilty of committing first degree domestic assault. Prior to this 2007 change in the law, domestic assault in the first degree was a class B felony; the only enhancement to this penalty upon conviction or a guilty plea was when the offender was found to have inflicted serious physical injury on the victim.

Domestic assault in the first degree is defined in 565.072.1 RSMo. as an attempt to kill or knowingly cause or attempt to cause serious physical injury to a family or household member, or an adult with whom the offender has a dating relationship (“an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the offender”).

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1/24/07	Introduced
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**STATUTES**  
**217.692**  
**RSMo.**

### **CASE REVIEW FOR SOME INCARCERATED BATTERED WOMEN**

**217.692 RSMo.**

The provisions of 217.692 RSMo. allow the Missouri Board of Probation and Parole to conduct case reviews and hold parole hearings for those formerly battered women incarcerated for murder who received sentences of life without parole or life without parole for 50 years, who had no prior violent felonies, who have served at least 15 years of their sentences, and who were not allowed to bring forward evidence or information of the abuse against them by the homicide victim. This section of law does not place limits on the Governor’s power to grant clemency nor is it to affect any offender’s pending petition for clemency.

The statute only applies to specific incarcerated individuals: those whose guilty plea was entered or trial began before December 31, 1990; a person who pled guilty or was found guilty of a homicide of a spouse or domestic partner; a person who has no other options to pursue legal remedies; a person who has a history of being a victim of continual and substantial physical or sexual domestic violence and whose history of violence can be corroborated with evidence of facts or circumstances which existed at the time of the physical or sexual domestic violence. The corroboration can include, but is not limited to, witness statements, hospital records, social services records and law enforcement records.

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# MISSOURI LAW: 2007

## JUDICIAL AND COURT PROCEEDINGS

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**STATUTES**  
**537.047**  
**RSMo.**

**CIVIL SUITS ALLOWED FOR CASES INVOLVING VICTIMS OF CHILD PORNOGRAPHY**  
**537.047 RSMo.**

A new section of Missouri law, 537.047 RSMo., allows persons who were child victims of pornography to bring a civil action for damages as a result of the violation. These civil actions must be commenced by the time the affected individual reaches the age of 31 or within three years of the date the victim discovers that their injury or illness was caused by the criminal offense, which ever occurs later. The violation that caused the injury must occur on or after August 28, 2007.

**PASSED AS**  
HB 583

The offenses which qualify for filing a civil action for damages include sexual exploitation of a minor (573.023 RSMo.), promoting child pornography in the first degree (573.025 RSMo.), promoting child pornography in the second degree (573.035 RSMo.) and possession of child pornography (573.037 RSMo.).

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# MISSOURI LAW: 2007

## IMMIGRATION

**GOVERNOR'S  
DIRECTIVE**

**MISSOURI STATE HIGHWAY PATROL ORDERED TO CHECK  
IMMIGRATION STATUS OF ALL ARRESTED**

Governor Matt Blunt issued a directive to the Department of Public Safety on August 27, 2007 that requires the Missouri State Highway Patrol, the Missouri Water Patrol and the Capitol Police to check the immigration status of every person they arrest. Immigration status checks will be made with the federal agency known as ICE—Immigration and Customs Enforcement. The Missouri law enforcement agencies likely will also have the power to check the immigration status of individuals who are stopped or detained but not arrested. Individuals identified as illegal immigrants can be taken to one of 11 federal detention centers in Missouri.

Local law enforcement agencies and officers are not immediately subject to the Governor's order. However, Governor Blunt also directed the Missouri Department of Public Safety to train and deputize state law enforcement officials in a formal Memorandum of Understanding with the federal Immigration and Customs Enforcement agency. The Department will encourage and assist local law enforcement agencies to also enter into official agreements with ICE.

**HISTORY**

8/27/07 Order effective date