

February 2010

Legislative update

... a status report on the Missouri General Assembly for members of the Missouri Coalition Against Domestic and Sexual Violence

GOVERNOR MAINTAINS DOMESTIC VIOLENCE FUNDING IN BUDGET

Governor Jay Nixon maintained current funding levels for domestic violence services in his proposed state budget for Fiscal Year 2011 which was released on January 20. However, that budget did not include any state funding for sexual violence services. The Governor's 2011, budget proposal contained significant funding reductions throughout state government in response to declining revenues that already have led to \$800 million in funding cuts to the current state budget.

In this environment of severe state budget reductions, MCADSV's membership will play a central role to ensure that the Missouri General Assembly follows the Governor's lead in protecting domestic violence funding. All Coalition members can join in the opportunity to communicate with their legislators about the importance of the work provided by Missouri's domestic and sexual violence programs. These opportunities to speak directly with lawmakers in the Capitol are offered as MCADSV hosts its Regional Legislative Advocacy Days each week in February. Advocates will be provided with training and materials to assist in these important non-partisan visits. For more information on Advocacy Days, call MCADSV at (888)666-1911.

MCADSV also has been representing the interests of sexual and domestic violence survivors and their advocates that are either fostered or hindered by specific bills that have been filed. Among those that are being supported are bills to: increase the length of time for protection orders to be issued; include additional sexual offenses that are defined as dangerous felonies; clarify the penalties for repeat domestic violence offenders; strengthen stalking and harassment laws; and enact gun laws to protect domestic violence victims.

Several bills have been filed (and are quickly moving through the legislative process) that would require drug testing of those who receive Temporary Assistance to Needy Families. MCADSV and other groups oppose these due to the lack of drug treatment available, the impact on women and children living in poverty and the new costs to the state these bills require even as staff and programs are being cut that are required for implementation of these measures.

GET COPIES OF BILLS AND FOLLOW THEIR PROGRESS ONLINE

Copies of bills introduced during the 2010 legislative session are available on the Missouri General Assembly Web site at www.moga.mo.gov. Click on "Joint Bill Tracking" to view bills by number. Final versions of passed legislation are noted as "truly agreed and finally passed." Summaries of bills are also available.

To look up your state legislators, go to www.moga.mo.gov and click on "Legislator Lookup."



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APPROPRIATIONS

**BILL
NOT
FILED**

MCADSV



SUPPORTS

NEXT STEP

House and
Senate
Appropriations
Committee
hearings

DEPARTMENT OF SOCIAL SERVICES BUDGET: GOVERNOR PROPOSES LEVEL DOMESTIC VIOLENCE FUNDING

Domestic violence grant funding in the budget for the Department of Social Services remained unchanged in Governor Nixon's proposed budget for Fiscal Year 2011: \$4.75 million in state funds and \$1.67 million in federal funds. Overview hearings have begun before the House Appropriations Committee for Health, Mental Health and Social Services. MCADSV has testified, highlighting the essential and life-saving services provided by domestic violence programs through the Domestic Violence Shelter and Services (DVSS) grants. MCADSV also testified on the need for state funding for sexual assault services.

DEPARTMENT OF PUBLIC SAFETY BUDGET: NO DETAILS YET ON DPS VICTIM SERVICES GRANTS AND PROGRAMS

Funding proposed for the Department of Public Safety FY11 state budget is not detailed by line items in the initial budget documents, so specific information on victim services grant programs and the Sexual Assault Forensic Examination program will be further identified in subsequent budget materials that soon will be released. This information will include the FY11 budgets for the federal Victims of Crime Act (VOCA) grants, State Services to Victims Fund (SSVF) grants, federal Violence Against Women Act STOP grants and the federal Sexual Assault Services Program (SASP) grants.

Appropriation bills with the full details on proposed funding are typically filed at the end of February. The practice in the Missouri House appropriations process is for committees, specific to each state department, to develop budget recommendations, which then go before the House Budget Committee. The House Budget Committee Chairman, Rep. Alan Icet (R-Wildwood), then files the appropriations bills for each department, which are amended by that committee, voted on by the full House, and then sent to the Senate for its appropriations hearings and votes.

BILL HISTORY

01/20/10	Governor released proposed state budget
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LOCAL FINES FOR FUNDING SHELTERS

**HB
1791**

MCADSV



SUPPORTS

NEXT STEP

Awaiting
referral to
committee

BILL WOULD INCREASE FINES TO SUPPORT DV FUNDING

Sponsor: Rep. Paul LeVota, D-Independence

House Bill 1791 would increase the amount of fines for ordinance violations that city or county governments could pass to support operating expenses for local domestic violence shelters. The bill would increase the fines from the current \$2 per conviction to \$4. HB 1791 has not been referred to a committee for a hearing.

BILL HISTORY

01/25/10	Bill introduced and first read
01/26/10	Read second time

DOMESTIC VIOLENCE AND FIREARMS

**SB
592**

MCADSV



SUPPORTS

NEXT STEP

Awaiting
hearing
before Senate
Judiciary
Committee

BILL WOULD ALLOW LAW ENFORCEMENT TO REMOVE FIREARMS FROM DOMESTIC VIOLENCE OFFENDERS

Sponsor: Sen. Joan Bray, D-St.Louis

This “domestic violence gun ban” bill would allow law enforcement officers at a domestic violence scene to confiscate weapons when there is probable cause to believe a domestic assault took place and a weapon has been observed at the scene. SB 592 also would enact in Missouri law the parallel provisions of federal law (in place since 1996) that prohibits gun or ammunition purchase or possession by those convicted of a domestic violence misdemeanor or those with a Full Order of Protection in effect against them. Last year the bill had a hearing scheduled, but that was cancelled after strong opposition from gun rights groups was voiced to Senators. The bill further changes definitions of “family or household member” and “domestic violence” for crime and homicide reporting so those definitions are consistent with the ones in the Adult Abuse Act.

BILL HISTORY

12/01/09	Bill filed
01/06/10	Read first time
01/13/10	Read second time
01/13/10	Referred to Senate Judiciary Committee

TEMPORARY ASSISTANCE TO NEEDY FAMILIES

HB 1337

MCADSV



OPPOSES

NEXT STEP

Awaiting
House floor
debate

BILL REQUIRING DRUG TESTING OF TANF APPLICANTS MOVES QUICKLY THROUGH HOUSE OF REPRESENTATIVES

Sponsor: Rep. Ellen Brandom, R-Sikeston

House Bill 1337 would require that the Department of Social Services (DSS) develop a program to screen and test applicants for the Temporary Assistance to Needy Families (TANF) public assistance program for use of illegal drugs if there is a “reasonable suspicion” that the applicant is using illegal drugs (alcohol use is not included). HCS HB 1377 was amended in committee to allow applicants who test positive to complete a substance abuse treatment program within a reasonable amount of time. If the individual does not successfully complete the program or tests positive again, he or she would be ineligible for TANF benefits for one year. Children of an ineligible applicant would still remain eligible to receive TANF benefits through a designated third party. The bill was also amended to include provisions requiring the immediate termination of DSS employees who fail to report suspected drug use or fraudulent reporting of household size or income.

MCADSV is focusing its advocacy message on the projected costs of HB 1337 and similar bills, costs which range from \$2 million to \$7 million during a time of state fiscal crisis and severe cuts in funding for essential human services. In addition, MCADSV is raising issues related to the implementation of the bill’s provisions due to DSS staff reductions and subsequent increases in TANF caseloads. The state budget director reported in January that during this current fiscal year 194 Income Maintenance staff positions have been cut from DSS; more reductions might occur for FY11.

The Coalition joined other anti-poverty and advocacy groups in opposing similar legislation in past legislative sessions. All groups are concerned about the lack of available drug treatment services in Missouri, as well as the negative consequences for children already living in poverty whose household incomes are further reduced when a parent becomes ineligible for TANF assistance. This bill moved quickly in the initial month of legislative session, passing the House Committee on Healthcare Transformation and the House Rules Committee.

Other bills related to drug-testing on TANF applicants have been introduced in the House and Senate: **House Bill 1289** (Rep. Chuck Gatschenber, R-Lake St. Louis), **Senate Bill 602** (Sen. Jason Crowell, R-Cape Girardeau), **Senate Bill 607** (Sen. Bill Stouffer, R-Marshall), **Senate Bill 615** (Sen. Jack Goodman, R-Mt. Vernon), and **Senate Bill 725** (Sen. Scott Rupp, R-Wentzville). The Senate bills were heard on January 26 by the Senate Committee on Health, Mental Health, Seniors and Families, but have not yet been passed out of the committee. Only SB 725 (Sen. Rupp) contains provisions to allow TANF applicants to receive drug treatment before being denied benefits.

BILL HISTORY

12/15/09	Bill filed
01/06/10	Read first time
01/07/10	Read second time
01/11/10	Referred to House Committee on Healthcare Transformation
01/13/10	Hearing held by House Committee on Healthcare Transformation
01/13/10	Passed by House Committee on Healthcare Transformation
01/25/10	Passed by House Rules Committee

ORDERS OF PROTECTION

HB 1611

MCADSV



SUPPORTS

NEXT STEP

Awaiting referral to committee

BILL WOULD EXTEND ORDERS OF PROTECTION TO THREE YEARS

Sponsor: Rep. Gina Walsh, D-St. Louis

This bill would increase the duration of a Full Order of Protection to a maximum of three years. HB 1611 was supported by MCADSV when it was filed but did not pass in the 2009 legislative session.

BILL HISTORY

01/13/10	Bill introduced and read first time
01/14/10	Read second time

HB 1698

MCADSV



SUPPORTS

NEXT STEP

Awaiting referral to committee

BILL MODIFIES AGES OF CHILD ORDERS OF PROTECTION

Sponsor: Rep. Bryan Stevenson, R-Joplin

House Bill 1698 would change the age range of those to be protected by Child Orders of Protection to birth to 16 years of age, because of the changes in law in 2009 that allow 17-year-olds to obtain Adult Orders of Protection. MCADSV is advocating for amendments to clean up inconsistencies in current law between child and adult orders. In addition, the Coalition is seeking the less popular amendments that would allow child orders to be issued against violent teenagers. Current law restricts child orders to being issued against adults who harm a child.

BILL HISTORY

01/19/10	Bill introduced and read first time
01/20/10	Read second time

HB 807

MCADSV



OPPOSES

NEXT STEP

Awaiting hearing before Senate Judiciary Committee

BILL GIVES COURT DISCRETION TO HOLD HEARINGS FOR CERTAIN STALKING ORDERS OF PROTECTION

Sponsor: Sen. Victor Callahan, D-Kansas City

Senate Bill 807 would allow judges to decline to hold a hearing for a petition alleging stalking by a respondent who is not a family or household member if the judge determines the order was filed to “intimidate” the respondent. In current law, the court is required to have a hearing within 15 days after a petition for a protection order is filed. MCADSV is concerned about how judges would know if the filing was done to intimidate the respondent if there is no hearing and the sole details provided to the judge are the often limited information in an *Ex Parte* petition. MCADSV staff will meet with Sen. Callahan in early February about these concerns and with judicial representatives about how to address the concerns underlying the bill: increasing numbers of filings for stalking *Ex Partes* that do rise to the level of immediate danger which, in turn, reduce court resources and attention on those needing immediate protection.

BILL HISTORY

01/21/10	Bill introduced and read first time
01/25/10	Read second time
01/25/10	Referred to Senate Judiciary Committee

CRIMINAL OFFENSES

SB
859

MCADSV



SUPPORTS

NEXT STEP

Awaiting
referral to
committee

PENALTIES STRENGTHENED FOR REPEAT DV ASSAULT OFFENDERS

Sponsor: Sen. Kurt Schaefer, R-Columbia

In current law, a person who has committed the crime of assault in the third degree or domestic assault in the third degree more than two times is guilty of a Class D felony for any subsequent commission of such offenses. Senate Bill 859 would change the penalties for these repeat domestic assault offenders. Under SB 859, a person who has committed the crime of assault or domestic assault, regardless of the degree of the offense, more than two times is guilty of a Class D felony for any subsequent commission of the crime of assault.

BILL HISTORY

01/28/10 Bill
introduced
and read
first time

HB
1427

MCADSV



SUPPORTS

NEXT STEP

Awaiting
referral to
committee

BILL CREATES CRIME OF CYBER-STALKING

Sponsor: Rep. Kenny Bierman, D-St. Louis

House Bill 1427 would expand the definitions of stalking to include a full range of electronic communications and GPS tracking devices used to commit stalking. It includes a newly created crime of “cyber-stalking.” MCADSV is supporting HB 1427 yet might advocate for amendments to the bill to ensure that its content—an explicit list of actions that constitute harassment and stalking—do not have unintended consequences for prosecution of cases should an offender commit an action that is not included. The Coalition is working with the Missouri Office of Prosecution Services regarding these concerns.

BILL HISTORY

12/18/09 Bill filed
01/06/10 Read first
time
01/07/10 Read
second time

HB
1338

MCADSV



**NO
POSITION**

BILL INCREASES PENALTIES FOR HARASSMENT

Sponsor: Rep. Maria Chappelle-Nadal, D-University City

House Bill 1338 would increase the penalty for harassment from a misdemeanor to a class D felony. MCADSV is working to identify consensus among prosecutors on HB 1338. Supporters seek a higher penalty to enable more filings in jurisdictions with limited resources to file misdemeanor cases of harassment. Others have concerns that a felony charge would increase evidence standards and make cases harder to prosecute.

BILL HISTORY

12/08/09 Bill filed
01/06/10 Read first
time
01/07/10 Read
second time

NEXT STEP

Awaiting
referral to
committee

CRIMINAL OFFENSES (CONT.)

SB
857

MCADSV



SUPPORTS

NEXT STEP

Awaiting
referral to
committee

BILL INCREASES PENALTIES FOR CERTAIN SEX CRIMES

Sponsor: Sen. Kurt Schaefer, R-Columbia

Senate Bill 857 would modify the definition of “dangerous felonies” to include the crimes of statutory rape or sodomy in the second degree, sexual assault, child molestation, sexual misconduct involving a child, and sexual abuse. It also would modify the definition to include statutory rape or sodomy in the first degree regardless of the child’s age and attempted forcible rape or sodomy regardless if physical injury results. A person convicted of a “dangerous felony” must serve 85 percent of his or her prison sentence.

BILL HISTORY

01/28/10	Bill introduced and read first time
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CHILD ABUSE REPORTING

HB
1867

MCADSV



**NO
POSITION**

NEXT STEP

Awaiting
referral to
committee

BILL WOULD EXEMPT DV VICTIMS FROM MANDATORY CHILD ABUSE REPORTING

Sponsor: Rep. Paul LeVota, D-Independence

The sponsor of House Bill 1867 agreed to file the bill with an amendment proposed by MCADSV to exempt domestic violence victims from being legally mandated child abuse reporters when they suspect or witness child abuse in their households. MCADSV has opposed similar bills filed in past sessions by Rep. LeVota that did not contain this protection for battered mothers and domestic violence victims. HB 1867 would require child abuse reporting by an adult family or household member but limits this mandate to “any adult person who resides in the same household and witnesses the abuse or neglect or possible abuse or neglect of a child and who is not subjected to the same suspected abusive conditions or circumstances as the child.”

BILL HISTORY

01/28/10	Bill introduced and read first time
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COERCED ABORTION

**HB
1327**

MCADSV



**OPPOSES
coercion
provisions**

NEXT STEP

Awaiting
referral to
committee

BILL CREATES NEW CRIME OF COERCING AN ABORTION

Sponsor: Rep. Cynthia Davis, R-O'Fallon

House Bill 1327, similar to legislation that failed in past legislative sessions, contains additional requirements for personnel and medical facilities that perform abortions and would create a new crime of "coercion of abortion." HB 1327 defines coercion of an abortion as occurring through domestic violence, stalking or other acts (filing for divorce, withdrawing financial support, etc.) that are intended to cause a woman to seek or obtain an abortion against her will. As a result, HB 1327 could be interpreted as classifying any abortion as coerced if the woman had been a victim of rape, incest or domestic violence. This could restrict victims' access to abortion because medical professionals would be guilty of a Class C felony if they perform an abortion on a woman who was later found to have been coerced.

COMPANION BILLS FILED

House Bill 1211 (Rep. Gary Dusenberg, R-Blue Springs) is a companion bill to House Bill 1327, containing the same provisions opposed by MCADSV.

Other bills related to coerced abortions, including **House Bill 1238** (Rep. Cynthia Davis, R-O'Fallon) and **Senate Bill 793** (Sen. Rob Mayer, R-Dexter), have been introduced. HB 1238 would not create the crime of coerced abortion but includes new requirements for abortion providers and would penalize doctors who perform abortions on women who were coerced. SB 793 would only create new requirements for abortion providers. MCADSV has no position on these bills.

BILL HISTORY

12/04/09	Bill filed
01/06/10	Read first time
01/07/10	Read second time