The links below provide online access to information on bills, legislators, committees and actions of the Missouri General Assembly during the 2019 legislative session.

House bills: www.house.mo.gov  
Home page menu, top right “legislation” field to find bills

Senate bills: www.senate.mo.gov  
Home page menu, top right “bill search” menu to find bills

Current Missouri statutes: http://revisor.mo.gov/

To see how a bill progressed through the 2019 session, please refer to the monthly editions of MCADSV Legislative Update. located on our website at www.mocadsv.org, on the Public Policy page under the “Changing Laws” tab.
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*The Missouri Coalition Against Domestic and Sexual Violence (MCADSV) unites Missourians with a shared value that rape and abuse must end, and advances this through education, alliance, research and public policy.*
HOUSING RIGHTS

Law allows lease termination, other housing rights to victims of stalking, domestic and sexual violence

Missouri law in Section 441.920 RSMo contains housing rights and protections for victims of domestic violence, sexual assault and stalking who lease or are tenants in residential rental properties. Victims of stalking, domestic and sexual violence are legally allowed to terminate their leases when documentation of their victimization (or risk of victimization if they remain in the dwelling) is provided to a landlord. The documentation could be a police report, protection order or statement from a service provider. The law also provides victims with protections from eviction or lease termination. The law establishes an affirmative defense in suits for back rent from tenants who left a rented residence because of their victimization. Landlords are allowed to charge a “reasonable” termination fee to a victimized tenant who terminates a lease.

- Eligible applicants, tenants, lessees are victims of stalking, domestic violence or sexual assault (Section 441.920.1 RSMo)

  Individuals provided with housing rights under this section of law are those who are victims of domestic violence, sexual assault or stalking. Those offenses are defined in the same way and in the same section of Missouri law as the definitions used for Orders of Protection: Section 455.010 RSMo.

- Housing discrimination or eviction prohibited on the basis of being a victim of stalking, domestic violence or sexual assault (Section 441.920.2 RSMo)

  As a result of being a victim of domestic violence, sexual assault or stalking, no rental applicant, tenant, or lessee can be denied tenancy, be evicted, or found to be in violation of a lease agreement if they otherwise qualify for tenancy or occupancy in the premises.

  The exceptions to these protections are when:

  - The rental applicant, tenant, or lessee allowed the person named as the offender/abuser in any documentation into the premises.

  - The landlord or property owner reasonably believes that a person named as the offender/abuser in any documentation poses a threat to the safety of the other occupants or the property.

  - The applicant, tenant, or lessee submits false information—this may be a basis for a denial of tenancy, eviction, or a violation of a lease agreement (Section 441.920.5 RSMo).
• Victimized tenant has an affirmative defense in back-rent suits brought by a landlord (Section 441.920.3 RSMo)

If a landlord brings an action or case against a tenant under this section of Missouri law, the tenant has an affirmative defense. The law states the tenant shall not be liable for rent for the period after the tenant vacated the premises owned by the landlord if, by a preponderance of the evidence, the court finds that the tenant was a victim or was in imminent danger of becoming a victim of domestic violence, sexual assault, or stalking. In that circumstance, the tenant is required to have notified the landlord and, if it was requested by the landlord, provided documentation of victimization as detailed in Section 441.920 RSMo.

• Documentation of victimization can be requested by landlords (Section 441.920.4 RSMo)

An applicant, tenant, or lessee is legally qualified for the protections under this section of law if he or she provides a statement of their victimization by domestic violence, sexual assault, or stalking to his or her landlord or the property owner. If the landlord or property owner requests documentation of the domestic violence, sexual assault, or stalking, any of the following can be provided:

1. A document signed by an employee of a victim service provider, or a health care professional or mental health professional from whom the victim has sought assistance relating to domestic violence, sexual assault, stalking, or the effects of abuse stating that, under penalty of perjury, the individual believes in the occurrence of the incident of domestic violence, sexual assault, or stalking that is the ground for protection, and that the incident meets the applicable definition of domestic violence, sexual assault, or stalking. Such document shall be signed by the victim; or

2. A record of a federal, state, or local law enforcement agency, including a police report, a court, or an administrative agency pertaining to the alleged incident of domestic violence, sexual assault, or stalking.

• Victims may be charged a “reasonable termination fee” for early termination of a lease (Section 441.920.6 RSMo)

Any landlord or property owner is legally allowed, but not required, to charge a “reasonable termination fee” to a tenant or lessee who seeks an early lease termination because of domestic violence, sexual assault or stalking. This section of law does not define what is considered “reasonable” as a fee charged by a landlord for a lease termination.
Nonconsensual Distribution of Private Sexual Images

Corrections made to 2018 law on the crime of nonconsensual distribution of private sexual images

An error was corrected in the 2018 Missouri law that created the criminal offense of “nonconsensual distribution of private sexual images.” This Class D felony is an offense against a person when an offender intentionally distributes a private sexual image with the intent to harass, threaten or coerce another person.

- **Error corrected in section on offender’s intent to harass, threaten or coerce another person (Section 573.110.2(1)(a)-(c) RSMo)**

  The correction to this section of law, below, shows the new language in bold and the deleted language in [brackets].

  - A person commits the offense of nonconsensual dissemination of private sexual images if he or she:
    - Intentionally disseminates an image with the intent to harass, threaten, or coerce [an image of] another person:
      - Who is at least 18 years of age;
      - Who is identifiable from the image itself or information displayed with the image; and
      - Who is engaged in a sexual act or whose intimate parts are exposed, in whole or in part.

- **Correction made in section on proof of damages for civil suits (Section 573.110.7 RSMo)**

  The correction to this section of law, below, shows the new language in bold and the deleted language in [brackets].

  - Humiliation or embarrassment shall be an adequate [show] **showing** that the plaintiff has incurred damages; however, no physical manifestation of either humiliation or embarrassment is necessary for damages to be shown.
TRAFFICKING

Law provides additional protections for child sex trafficking victims charged with prostitution

- Child abuse report required if affirmative defense raised to prostitution charge for child under 18 (Section 567.020.5 RSMo)
  
  This section of law classifies individuals as victims of child abuse if they raise an affirmative defense to a criminal charge of prostitution for acts that occurred when they were younger than age 18 and acting under the coercion of another person. In those cases, a hotline report of child abuse is mandated.

- Those convicted of prostitution when younger than 18 can obtain expungement of offense (Section 610.131 RSMo)
  
  An individual who was younger than age 18 when convicted of prostitution can apply to the court to expunge all official records relating to the offense. If the court determines that the person was younger than 18 at the time of the offense or was acting under the coercion of an agent, the court shall enter an order of expungement for the prostitution conviction or guilty plea. The expungement application must be made to the court in which the person pled guilty or was sentenced for the prostitution offense.
• Abortion banned after eight weeks without exceptions for victims of rape or incest (Section 188.056 RSMo)

This section of law prohibits an induced or performed abortion after eight weeks’ gestation or later, except in cases of medical emergency. The law does not contain exemptions in instances of rape or incest. Any person who violates this law can be charged with a Class B felony, and be subject to suspension or revocation of his/her professional license. The law states a pregnant woman upon whom an abortion is performed or induced in violation of these provisions shall not be prosecuted for a conspiracy to violate the provisions of this law.

• Sections of law added to ban abortion at 14 weeks or 18 weeks if 8-week ban ruled unconstitutional (Sections 188.057 and 188.058 RSMo)

These sections of law establish different time periods in Missouri statutes after which abortion would be prohibited if the law prohibiting abortion after eight weeks is ruled unconstitutional by a court. These cascading prohibitions on abortion at different time periods of gestation include Section 188.057 RSMo, which would ban abortions at 14 weeks and later, and Section 188.058 RSMo, which would ban abortions at 18 weeks and later if both the 8-week and 14-week bans are ruled unconstitutional.

• Abortion prohibited at 20 weeks’ gestation and later (Section 188.375 RSMo)

This section of law prohibits an induced or performed abortion after 20 weeks’ gestation or later, except in cases of medical emergency. The law does not contain exemptions in instances of rape or incest. Any person who violates this law can be charged with a Class B felony, and be subject to suspension or revocation of his/her professional license. The law states a pregnant woman upon whom an abortion is performed or induced in violation of these provisions shall not be prosecuted for a conspiracy to violate the provisions of this law.

• Advance notice to other parent required when one parent consents to minor child’s abortion; exceptions included for domestic violence, child abuse, sex offenses (Section 188.028 RSMo)

This section of law requires a parent or guardian who consents for a minor child’s abortion to provide advance written notice to the minor’s other parent or guardian if they have joint physical or joint legal custody of the child. The exceptions to this requirement include when the parent to whom notice is required has convictions for sex offenses, child abuse or who has a protection order in effect against them. Prior to May 24, 2019, Missouri law only required the consent of one parent for a minor child’s abortion.
SEXUAL ABUSE OF CHILDREN

New requirements for schools related to the prevention of child sexual abuse

- **Schools to provide trauma-informed sexual abuse prevention trainings to students in grades 6-12 (Section 170.045 RSMo)**

  Beginning in the 2020-21 school year, Missouri schools are required to provide sexual abuse prevention training to students in grades 6-12. The Department of Elementary and Secondary Education (DESE) is to develop the training in consultation with the Task Force on the Prevention of Sexual Abuse of Children. Parents or guardians must be notified of the training and can choose to have their child(ren) excused from the instruction.

  The trainings must be trauma-informed, developmentally-appropriate and include:

  - Instruction providing students with the knowledge and tools to recognize sexual abuse.
  - Instruction providing students with the knowledge and tools to report an incident of sexual abuse.
  - Actions that a student who is a victim of sexual abuse could take to obtain assistance and intervention.
  - Available resources for students affected by sexual abuse.

- **School volunteers to be screened, undergo criminal background checks (Section 168.133.1 RSMo)**

  School volunteers must be screened and have criminal background checks before they are left alone with a student or have access to student records.

- **Orientation for school board members to include training on identification of child sexual abuse (Section 162.203 RSMO)**

  In this section of law that requires 18.5 hours of orientation trainings, elected and appointed school board members are specifically required to have 2.5 hours of training on the sexual abuse of children. The training must be “up-to-date and reliable” and include: 1) how to identify signs of sexual abuse in children; and 2) “danger signals of potentially abusive relationships between children and adults.” Annual one-hour refresher trainings for school board members also are required.

- **School personnel and volunteers added to law defining child abuse (Section 210.110 RSMo)**

  This section of law that defines child abuse includes abuse by school personnel, contractors, and school volunteers, which includes abuse or neglect that occurred outside of school hours or off school grounds.
CHILD CUSTODY: RELOCATION

Parent to be given notice of right to file motion against proposed relocation of a child by other parent (Section 452.377 RSMo)

A parent who files a child relocation motion with the court is required by this section to inform the other parent, by certified mail, of his/her right to file a motion in opposition to the proposed child relocation. The information is to inform the objecting parent that any objection filed must include an affidavit specifying the “good-faith factual basis” for opposing the relocation. The motion opposing the child relocation must be filed with the court within 30 days of being provided with the written notice.

CHILD CUSTODY: GRANDPARENT VISITATION

Courts may grant grandparents visitation if they are denied visits for more than 60 days (Section 452.402 RSMo)

A court may order grandparent visitation with a grandchild(ren) if the grandparent has been “unreasonably” denied previously awarded visitation for more than 60 days. The court also must determine that it is in the child’s best interest to have the visits with the grandparent(s). This section of law does not apply if the child’s parents are legally married to each other and are living together with the child(ren).
HEARING AID DISTRIBUTION PROGRAM

Hearing aid distribution program to provide financial assistance to obtain hearing aids

This statewide program will allow the Missouri Commission for the Deaf and Hard of Hearing to establish a statewide hearing aid distribution program. The program is to provide financial assistance for hearing aid purchases to certain low-income individuals who are deaf or hard of hearing. All assessments for need of hearing aids are to be performed by licensed audiologists, hearing instrument specialists or licensed physicians.

STATE DESIGNATIONS

Missouri Sliced Bread Day to be observed on July 7 [Section 9.240 RSMo]

Each year, July 7th shall be designated as “Missouri Sliced Bread Day.” This section of law adds: “The citizens of this state are encouraged to participate in appropriate activities and events to commemorate the first sale of sliced bread on July 7, 1928, in Chillicothe, Missouri.”

Pawpaw tree granted designation as Missouri’s State Fruit Tree [Section 10.105 RSMo]

The Pawpaw tree (asimina triloba) is designated as the State Fruit Tree of Missouri.