NEW 2018 MISSOURI LAW

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CRIME VICTIMS’ COMPENSATION

Eligibility for compensation expanded through significant statutory changes to CVC program

The most extensive revisions and updates in decades were made to Missouri law on the Crime Victims’ Compensation (CVC) program in the Department of Public Safety (DPS). The changes expand who can receive compensation, update the processes by which the compensation program operates, and remove barriers to compensating crime victims for harm and losses that resulted from their victimization.

Changes in definitions broaden the types of crimes and injuries that can be compensated by CVC (Section 595.010 RSMo)

- Definition of crime changed (Section 595.010.1(5) RSMo)
  For purposes of the Crime Victims’ Compensation program, the definition of a “crime” was changed to specify that the act does not have to be “adjudicated” in a court. Also, a crime is no longer defined as an act committed by a mentally competent person.

- Crime victims do not have to be physically injured to be eligible for compensation (Section 595.010.1(23) RSMo).
  The definition of “personal injury” replaces the previous statutory definition of “personal physical injury.” Personal injury is defined as “physical, emotional, or mental harm or trauma resulting from the crime upon which the claim is based.” This change in law ends the CVC eligibility requirement that a victim suffer bodily harm as a result of the crime.

- Emergency services no longer defined as those provided within 30 days (Section 595.010.1(12) RSMo)
  An “emergency service” provided to a crime victim is no longer defined as a service provided within 30 days “to alleviate the immediate effects of the criminal act or offense.”

Eligibility expanded for the Crime Victims’ Compensation program (Sections 595.015, 595.020, 595.030 RSMo)

- No requirement for victims to report to law enforcement within 48 hours (requirement deleted from Section 595.030.2 RSMo)
  Crime victims are no longer required to report the crime against them to a law enforcement agency within 48 hours of its occurrence in order to be eligible for compensation.
• **Sworn statements, protection orders and forensic exams qualify as crime reporting**
  (Section 595.030.1 RSMo)
  In addition to crime victims who report to law enforcement agencies, CVC eligibility is expanded to include those who can document a crime against them in reports to courts, in other “official records” or in a personal sworn statement.
  
  o As an example, a sexual assault victim can submit documentation of obtaining a forensic examination or an Order of Protection. A claimant without such records can submit a sworn statement that she or he “has good reason to believe that he or she is a victim of domestic violence, rape, sexual assault, human trafficking, or stalking, and fears further violent acts from his or her assailant.”

• **No requirement to cooperate with prosecution of a criminal case**
  (Section 595.015.4 RSMo)
  The CVC eligibility requirement is deleted that crime victims must cooperate with the prosecution of an offender. However, unless a victim is granted a good cause exemption, it remains a CVC requirement that claimants cooperate with law enforcement officials “in the apprehension of the offender.”

• **No requirement for out-of-pocket financial losses or two weeks’ lost wages**
  (requirement deleted from Section 595.030.1 RSMo)
  Claimants no longer have to have out-of-pocket losses of at least $50, personal property losses of at least $250, or a loss of two continuous weeks of wages.

• **Eligibility restored for those with felony conviction records**
  (requirement deleted from Section 595.020.4 RSMo)
  Eligibility for compensation as a crime victim is restored for individuals who were convicted within the previous 10 years of two felony offenses involving drugs or violence, including those currently incarcerated for an unrelated crime.

• **Three-year time limit removed for compensation claims**
  (requirement deleted from Section 595.035.5 RSMo)
  The three-year time limit for receiving compensation is removed to allow CVC payments to claimants for out-of-pocket expenses that occur more than three years after the occurrence of the crime against them.
Processes for filing compensation claims changed
(Sections 595.015 and 595.025 RSMo)

- Mailed claims, mailed notices and in-person filings no longer required; new systems pending
  (Section 595.025.3 RSMo and requirement deleted from Section 595.015.4 RSMo)

  Claims are to be “submitted” to CVC and no longer have to be mailed or delivered in person, as previously required by Section 595.025.3 RSMo. It also is no longer required that CVC notify claimants by mail that additional information is needed and must be submitted within 30 days or the claims can be rejected (deleted from Section 595.015.4 RSMo).

  - An online system for all CVC claims, communications and other administrative processes is being developed by the Department of Public Safety—pending as of August 2018.

- Claims for compensation no longer have to be notarized before being submitted (requirement deleted from Section 595.015.2 RSMo)

- Health care providers and/or hospital personnel may directly submit reports to CVC (Section 595.025.5 RSMo)

  Health care providers and/or hospital personnel may directly submit reports to CVC on behalf of a crime victim filing a compensation claim. No longer are those health care provider reports required to be submitted directly by the claimant/victim.
Sexual Assault Forensic Evidence

Requirements created for sexual assault forensic evidence tracking, testing and storage

The first provisions in Missouri law to address testing and tracking of sexual assault forensic evidence establish requirements for tracking, testing and storing sexual assault forensic evidence. Definitions are created for different types of forensic evidence collection that provide survivors with choices relative to reporting the offenses against them. Law enforcement agencies are required to store tested sexual assault forensic evidence for 30 years in cases that are not adjudicated. The Attorney General is responsible for the development of a tracking system for sexual assault forensic evidence and protocols for the system's operations.

- **Definition of consent created that is specific to sexual assault survivors’ forensic evidence**
  (Section 595.220.8(3) RSMo)
  A definition of “consent” in this section of law is specific to a sexual assault victim’s agreement to have a crime laboratory test the forensic evidence that is collected from her or him:
  - “Consent”, the electronically documented authorization by the victim, or his or her designee, to allow the evidentiary collection kit to be analyzed.”

- **Definitions detail types of forensic evidence that give victims options for reporting**
  (Section 595.220.8 RSMo)
  Definitions were added to Missouri law that expand the types of sexual assault forensic evidence collection that is available to victims of sexual assault and that shall be tested:
  - “Anonymous evidentiary collection kit”, an evidentiary collection kit collected from a victim, or his or her designee, who has consented to the collection of the evidentiary collection kit, and to participate in the criminal justice process, but who wishes to remain anonymous” (Section 595.220.8(1) RSMo);
  - “Reported evidentiary collection kit”, an evidentiary collection kit collected from a victim, or his or her designee, who has consented to the collection of the evidentiary collection kit and has consented to participate in the criminal justice process” (Section 595.220.8(9) RSMo); and
  - “Unreported evidentiary collection kit”, an evidentiary collection kit collected from a victim, or his or her designee, who has consented to the collection of the evidentiary collection kit but has not consented to participate in the criminal justice process” (Section 595.220.8(10) RSMo).”

- **Timelines established for delivery of completed sexual assault kits to crime labs**
  (Section 595.220 RSMo)
  Time requirements are established to have completed sexual assault forensic evidence kits delivered to a crime laboratory, with the following provisions specific to each profession involved in the process:
SEXUAL ASSAULT FORENSIC EVIDENCE (cont.)

- Medical providers who have completed a sexual assault evidence examination are required to provide “electronic notification” to the appropriate law enforcement agency when they have a reported or anonymous evidentiary collection kit (Section 595.220.3(1) RSMo);

- Within 14 days of notification from a medical provider, the appropriate law enforcement agency is required to take possession of the evidentiary collection kit (Section 595.220.3(2) RSMo);

- Within 14 days of taking possession of the kit, the law enforcement agency shall provide the evidentiary kit to a crime laboratory for testing (Section 595.220.3(3) RSMo).

- **Deptartment of Public Safety to establish procedures for transmitting and storing forensic evidence**  
  (Section 595.220.3 RSMo)  
  The Department of Public Safety, with the advice of the Attorney General, is required to establish forms and procedures for “gathering, transmitting and storing evidence during and after the forensic examination.”

- **Law enforcement agencies required to store sexual assault evidence kits for 30 years**  
  (Section 595.220.3(4) RSMo)  
  This section of law states: “A law enforcement agency shall secure an evidentiary collection kit for a period of thirty years if the offense has not been adjudicated.”

- **Attorney General required to establish rape kit tracking system and protocols**  
  (Section 595.220.9 RSMo)  
  The Attorney General’s office is required to “establish protocols and an electronic platform to implement an electronic evidence tracking system” for forensic evidence contained in rape kits completed through a sexual assault forensic evidence examination. The requirements for the tracking system include that it is accessible by survivors, law enforcement agencies and officers, sexual assault nurse examiners, prosecutors, crime lab staff, and/or the designee of these individuals.

  Additionally, the Attorney General’s office is required to develop the protocols to guide the operation of a system that has unique alphanumeric identifiers for each rape kit and for each person who handles a kit. The system also is to allow tracking of reports and updates on the status of the evidence by location and testing process.
Bill drafting error renders law problematic: nonconsensual distribution of private sexual images

There is a debate as to whether a drafting error in 2018 legislation will render it difficult for prosecutors to charge an offender with the Class D felony offense of the nonconsensual distribution of private sexual images. In the bill that took effect as law in June 2018, the behavior that is an element of the crime is written as actions taken against “an image of another person,” and not an action against “another person” (Section 573.110.2(1) RSMo). It is possible that a judge could take an expansive view of legislative intent—deciding that what lawmakers intended is clear—and allow a case to proceed against a defendant. However, a judge also could dismiss a case and rule that the flawed language in the law renders it ineffective.

The felony offense of threatening to distribute private sexual images does not contain a similar error.

• Error in section that describes offense element of intent to harass, threaten or coerce (Section 573.110.2(1)(a)-(c) RSMo)

This section of law, with italics added for emphasis, states:

- “A person commits the offense of nonconsensual dissemination of private sexual images if he or she:
  - “(1) Intentionally disseminates 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.”

• Other element of offense includes knowing the image was to remain private (Section 573.110.2(2)-(3) RSMo)

An additional element of the offense is that the accused person:

- “Obtains the image under circumstances in which a reasonable person would know or understand that the image was to remain private; and
- “Knows or should have known that the person in the image did not consent to the dissemination.”

• Class E felony offense created for threats to release private sexual images (Section 573.112 RSMo)

The threat to distribute private sexual images is a Class E felony, defined as when the offender “gains or attempts to gain anything of value, or coerces or attempts to coerce another person to act or refrain from acting, by threatening to disseminate an image” of that other person.
• Victims can file private cause of action against person who shares private sexual images (Section 573.110.7 RSMo)

Victims can file a lawsuit—a private cause of action—against a person who distributed a private sexual image of them, as that is defined in the elements of the offense of nonconsensual dissemination of private sexual images. A successful lawsuit under this section of law shall result in an award equal to $10,000 or actual damages, whichever is greater, and shall include attorney’s fees. The victim’s “humiliation or embarrassment” is defined as adequate proof of damages and no “physical manifestation” of those damages is required.
**SEXUAL ASSAULT**

**Police reports required for sexual assaults of nursing home and long-term care facility residents**

Any actual or suspected instances of sexual assault of residents of nursing homes or long-term care facilities must be reported to law enforcement agencies by those who are statutorily mandated to report abuse of elderly or disabled persons. This is in addition to requirements in Missouri law that mandated abuse reporters must make reports to the Department of Health and Senior Services (DHSS) of any suspected or actual abuse, including sexual assault, of a care facility resident.

- **Reports to be made of sexual assault of elderly, disabled “eligible adults” in care facilities**
  (Section 198.070.2(2) RSMo)
  Mandated reporters are required to report to DHSS and law enforcement any suspected or actual instances of sexual assault of a person “60 years of age or older, or an eligible adult” in a care facility.

- **Eligible adult defined in law for reporting abuse of elderly and disabled persons**
  (Section 192.2400(6) RSMo)
  An “eligible adult” is defined as: “a person sixty years of age or older who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs or an adult with a disability, as defined in section 192.2005, between the ages of eighteen and fifty-nine who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs.”
DOMESTIC VIOLENCE FATALITY REVIEW PANELS

Missouri counties and communities allowed to establish Domestic Violence Fatality Review panels

Domestic violence fatality review panels can be established by a county prosecutor or circuit attorney, with representation on the panel to include, but not be limited to, individuals from domestic violence shelters and non-residential programs, rape crisis centers, law enforcement agencies, health care providers and other organizations or professions. The purpose of the review panels, as detailed in Section 455.560 RSMo, is to both review and investigate the local deaths of victims of homicides determined to be related to domestic violence (as domestic violence is defined in Section 455.010 RSMo).

- Panels organized by prosecutor; members then elect a chairperson (Section 455.560.3 RSMo)
  The prosecutor or circuit attorney is directed to organize and empanel the fatality review panel and call for its first meeting. After the review panel is established, the members are required to elect a chairperson to convene and lead its subsequent meetings.

- Panels’ work product not public documents, but a public report of findings is required (Section 455.560.5-6 RSMo)
  A domestic violence fatality review panel’s records, minutes and other “work products” from panel meetings are not admissible as evidence in court proceedings and are not public documents. However, the panels are legally required to publicly release reports of their findings and recommendations. A panel’s report is required to include “findings and recommendations for enhanced practices, protocols, and collaborations to address domestic violence and prevent homicides.”

- City or county executive can ask for review panel to be established (Section 455.560.4 RSMo)
  The executive officer of a municipality or county can ask that a review panel be convened by the prosecutor in response to a domestic violence homicide in that city or county.
ORDERS OF PROTECTION

Protection orders for children allowed when no custody order exists between the child and the Respondent: long-standing barrier in law removed for children subject to prior custody orders

Missouri law allows Child Orders of Protection to be issued when no prior order of custody exists between the child and the Respondent to the order. This 2018 change in law removes a significant and long-standing obstacle to obtaining protection orders for children.

• Child protection orders allowed for children who are included in custody orders (Section 455.513.1(1) RSMo)
  Missouri law allows a court to issue an Ex Parte Child Order of Protection when: “No prior order regarding custody involving the respondent and the child is pending or has been made.” Previously, this section of law prohibited a judge from granting a Child Order of Protection for a child who is subject to a prior or pending custody order—even if the person against whom the child protection order was sought had no custody rights to the child and was not a party to any prior or pending custody order.

Courts can order “electronic monitoring with victim notification” for protection order violators

Judges can order the electronic monitoring of individuals charged with or convicted of violating Ex Parte or Full Orders of Protection. The monitoring can be ordered as a condition of pre-trial release, upon conviction or plea of guilt, as a condition of probation, or as part of the sentence and/or case disposition. For those found guilty of violating the terms and conditions of either an Ex Parte or a Full Order of Protection, a judge can order the electronic monitoring, require the offender to pay for the costs or, for persons without the ability to pay the costs, bill the Department of Corrections for payment (Section 455.095.5 RSMo).

• Victim’s informed consent to be given, and can be withdrawn, for electronic monitoring (Sections 455.095.1(2) and 455.095.4 RSMo)
  In order to provide informed consent to the electronic monitoring, the victim, or “protected person,” must be informed of her/his right to refuse to participate in the monitoring program and the process by which they notify the court of that decision. The protected person is to be informed of the “non-confidential nature” of communications with the court regarding the electronic monitoring and be informed of the procedure to follow if the monitored person violates the restrictions imposed by the court or if the monitoring equipment fails.

• Probable cause arrest allowed after alert from monitoring device (Section 455.095.6 RSMo)
  Law enforcement officers can make a probable cause arrest for a violation of an Ex Parte or Full Order of Protection based on an alert from a monitored person’s electronic monitoring device.
ORDERS OF PROTECTION (cont.)

- Criminal offense of tampering with electronic monitoring equipment
  (Section 455.095.10 RSMo)
  This section of law states: “A person shall be found guilty of the offense of tampering with electronic monitoring equipment under section 575.205 if he or she commits the actions prohibited under such section with any equipment that a court orders the person to wear under this section.”

- Corrections Department to create rules/regulations for electronic monitoring
  (Section 455.095.11 RSMo)
  The Department of Corrections is required to develop rules and regulations for the implementation of court-ordered electronic monitoring of protection order violators, including payment of costs for electronic monitoring of indigent persons.
Judges allowed to terminate parental rights of men found to have fathered a child by rape

A juvenile court judge may issue an order terminating the parental rights of a man found in a civil court process, without a criminal conviction or plea, to have fathered a child through an act of rape.

- Required elements to terminate parental rights of father found to be a rapist (Section 211.447.11(1-3) RSMo)
  Three elements compose the basis in statute for the court’s decision to terminate a biological father’s parental rights in a case where it is alleged his child was conceived through an act of rape against the child’s mother. The court may terminate the parental rights of the biological father if the court finds that by:
  1. “Clear, cogent, and convincing evidence the biological father committed the act of forcible rape or rape in the first degree against the biological mother;
  2. “Clear, cogent, and convincing evidence the child was conceived as a result of that act of forcible rape or rape in the first degree; and
  3. “The preponderance of the evidence the termination of the parental rights of the biological father is in the best interests of the child.”

- Mother’s consent required prior to court order of financial support for the child (Section 211.447.12 RSMo)
  In a termination of parental rights case in which a court has determined that the child was conceived through an act of rape, consent from the mother must be obtained before the judge can terminate parental rights and also order the biological father to provide financial support to the child, such as child support or a pension assignment, which could require ongoing contact between the parties.
CHILD CUSTODY (cont.)

Judges to review ability of Legal Services clients to pay guardian ad litem fees

Legal Services/Legal Aid attorneys, on behalf of clients they represent in civil cases that go to trial, are required to file financial certifications with the court that their clients are unable to pay guardian ad litem (GAL) fees. This amendment to Section 514.040 RSMo changed previous Missouri law that automatically waived all court fees for Legal Services clients. The statutory changes represent a legislative compromise that, instead of ending all GAL fee waivers for Legal Services clients, allows waivers after a judge’s review of the clients’ ability to pay the fees. This section of law also applies to clients represented by a Missouri law school clinic.

- Judges to review ability of Legal Services’ clients to pay GAL fees prior to trials and, upon a motion, at conclusion (Section 514.040.3–4 RSMo)
  
  Prior to the commencement of a trial in a client’s case involving the appointment of a GAL, a Legal Services attorney is required to file an “updated certification” that the client does not have money to pay GAL fees. Judges then can waive the GAL fees for the Legal Services client. At the conclusion of the trial, and upon a motion by “any party,” a judge again can review the client’s finances and can order that client to pay a portion of the GAL fees based on a finding of “the present ability to pay.”

- Failure by Legal Services’ clients to pay GAL fees does not prohibit filing future motions (Section 514.040.5 RSMo)
  
  A Legal Services’ client who is assessed GAL fees and fails to pay them is not precluded from filing future suits, including motions to modify.
Self-supporting 16- and 17-year-olds can receive sexual assault services without parental consent

Certain teenagers who are living without parental support are legally allowed to obtain sexual assault services without needing the consent of a parent or guardian. These “qualified minors” are defined in Missouri law as 16- and 17-year-old self-supporting, homeless or in state custody, and who are not cared for by a parent or guardian.

- **Qualified minors are legally allowed to contract for extensive range of services**
  (Section 431.056 RSMo)

  The legal right of qualified minors to obtain sexual assault services is in addition to the right to receive domestic violence services and to be admitted to a domestic violence shelter or to a homeless shelter. Missouri law further allows qualified minors to contract for housing, admission to high school or postsecondary school, to obtain medical care, establish a bank account, and to purchase a car and car insurance.
School-based human sexuality classes to teach about consent, sexual harassment and violence; schools to notify parents of database breaches that release students’ personal information

In school districts that provide educational courses on human sexuality and sexually transmitted diseases, the course materials and curricula must include instruction about sexual harassment, sexual violence and consent. Additionally, school districts must notify parents if personally identifying information about their child is breached from a school database.

- **Consent defined for purposes of school districts’ human sexuality education curricula**  
  (Section 170.015.1(9)(a) RSMo)  
  The statutory definition of consent to be used in school curricula on human sexuality is “a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent.”

- **Sexual harassment defined for content of school curricula**  
  (Section 170.015.1(9)(b) RSMo)  
  This section of law states: “For the purposes of this subdivision, the term “sexual harassment” shall mean uninvited and unwelcome verbal or physical behavior of a sexual nature especially by a person in authority toward a subordinate.”

- **Sexual violence defined for content of school curricula**  
  (Section 170.015.1(9)(c) RSMo)  
  This section of law states: “For the purposes of this subdivision, the term “sexual violence” shall mean causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person’s consent.”

- **School districts to notify parents of a data breach that releases students’ personal information**  
  (Section 162.1475 RSMo)  
  School districts are required to provide written notice to a parent or legal guardian if their child’s personal information is released through a breach of electronic data.
Sixteen set as minimum age to obtain a Missouri marriage license
Missouri law prohibits the issuance of marriage licenses to persons younger than age 16, in part to prevent the coerced marriage of minors to their human traffickers or abusers.

- **Age 16 set as minimum age of marriage; other marriage age restrictions added to law (Section 451.090.1 RSMo)**
  Missouri law establishes 16 years of age as the minimum age required to obtain a marriage license. The law also prohibits the issuance of a marriage license to a person 21 years old or older to marry someone who is younger than 17 years old.

- **Parent must consent for marriage of minor younger than 18 (Section 451.090.2 RSMo)**
  Missouri law requires a custodial parent or guardian to provide in-person, notarized written consent for a minor younger than 18 to be able to obtain a Missouri marriage license.

- **Documentation of age required to obtain marriage license (Section 451.090.3 RSMo)**
  Those seeking a marriage license are required to document their ages by providing the Recorder’s office with a certified copy of a birth certificate, passport or other government-issued identification.
**STATUTE OF LIMITATIONS**

**Statute of limitations removed for sex offenses against children and cases with DNA evidence matches**

The statute of limitations for prosecution of sexual offenses against children and offenses with matched DNA evidence were removed in Missouri law.

- **No statute of limitations for prosecution of sexual offenses against children**
  (Section 556.037.1-2 RSMo)
  Prosecution can occur at any time for sexual offenses against a person younger than age 18. This includes all offenses with a penalty that requires the offender to register as a sex offender. Previous Missouri law set a statute of limitations for prosecution of sexual offenses against children at 30 years after the victim reached age 18.

- **Statute of limitations removed for cases with DNA evidence tested by crime lab**
  (Section 556.036.6(5) RSMo)
  Prosecution can occur at any time for offenses with evidence from a DNA profile. This is DNA evidence that has been collected, tested and included in a “published laboratory report.” Prosecution can occur when an accused person is identified by name based on a match of his or her DNA and the DNA profile from a crime lab report.
HUMAN TRAFFICKING

Posters advertising the national human trafficking website/hotline number required in public places

As of March 1, 2019, posters advertising the national human trafficking website and hotline number are required to be posted in public places in Missouri that include hotels, places of public transportation, strip clubs, health care facilities and truck stops. The provisions of Section 595.120 RSMo require establishments to display the posters “in a conspicuous place in or near the bathrooms or near the entrance” of the establishment. The Department of Public Safety is required to create the posters by January 1, 2019.

- National human trafficking hotline number: (888) 373-7888
- National human trafficking website: https://humantraffickinghotline.org

Expungement process created for trafficked juveniles’ convictions for prostitution offenses

A no-cost process for expunging the records of a criminal conviction(s) for prostitution of a person younger than 18 years old is established in Section 610.131 RSMo. This section of law states that expungement is “to restore such person to the status he or she occupied prior to such arrest, plea, or conviction and as if such event had never taken place.”

- Expungement for convictions of juveniles found to be controlled by an agent (Section 610.131.1 RSMo)
  
  The expungement process in this section of law is specific to requests to expunge “from all official records” the prostitution convictions or guilty pleas of juveniles. The expungement is to be granted after a court hearing and a finding that the juvenile was acting under the coercion of an agent at the time of the act for which she or he was convicted.

- Records of juveniles’ conviction to be confidential after expungement (Section 610.131.2 RSMo)
  
  Upon receiving an order of expungement from the court, all records and files of the person’s prostitution conviction are to be confidential and “only available to the parties or by order of the court for good cause shown.”
SAFE AT HOME PROGRAM

Safe at Home address confidentiality program expands eligibility

The Safe at Home (SAH) program protections are expanded to include family and household members of any participant in this address confidentiality program. Eligibility for the SAH program also is expanded to include any victim of crime who fears for her or his safety. Courts are mandated to prevent the disclosure of SAH participants’ street or mailing addresses in records related to cases involving child relocation and in certain records related to child custody proceedings.

- **Safe at Home program expanded to protect family, household members, other crime victims**  
  (Section 589.663 RSMo)

  Participation in the Safe at Home address confidentiality program is expanded to include family and/or household members who reside with victims of domestic violence, rape, sexual assault, human trafficking, stalking or any other crime victims who fear for their safety or their family or household members’ safety.

- **Courts to order address confidentiality in SAH children's medical, dental and school records**  
  (Section 452.375.12 RSMo)

  Courts are required to order that the addresses of participants in the Safe at Home program not be included in their child’s records, including but not limited to, their medical, dental and school “reports and records.”

- **Child relocation cases to provide confidentiality to SAH participants' addresses**  
  (Sections 452.377.3 and 452.377.13 RSMo)

  Two sections of Missouri law on relocation of a child provide confidentiality protection for the new address of a child/children whose custodial parent is a Safe at Home participant:

  o A custodial parent who is a SAH participant and seeks to relocate a child can provide the child’s proposed new address “under seal to the court for in camera review” (Section 452.377.3 RSMo); and

  o A custodial parent who is a SAH participant shall not be required to provide the other parent with the child’s new physical address or mailing address. If the other parent files an objection, the court may require the SAH participant to provide the child’s address “under seal to the court for in camera review” (Section 452.377.13 RSMo).

If the other parent seeks the court’s disclosure of the address of the child and SAH participant, the court must, prior to disclosure, follow the requirements of Section 589.664 RSMo. That section of law includes the right of the Secretary of State to intervene in a case seeking a SAH participant’s address (Section 452.377.13 RSMo).
• Volunteers with a nonprofit or government agency can be Safe at Home assistants (Section 589.660(2) RSMo)

The definition of a Safe at Home program “application assistant” is expanded to include both employees and volunteers with a government agency or a nonprofit agency or program that provides services to victims of crime.
Changes in juvenile laws take effect in 2021:

age of a child raised to a person younger than age 18

Missouri law legally defines a child as any person younger than age 18, a 2018 change in statute that will not take effect until January 2021. Previously, Missouri law defined a child as a person younger than age 17.

- Definition of “child” changed to a person younger than age 18
  (Section 211.021 RSMo)

- Juvenile court has jurisdiction for children younger than 18 who are not certified as adults
  (Section 211.031 RSMo)

- Juveniles not to be detained in adult detention facilities unless certified as adults
  (Section 211.033.1 RSMo)
**SEX OFFENDERS**

**Tiered system sets different time periods for offenders to remain on sex offender registry; offenders allowed to petition for registry release and victims to be notified of release petitions**

A three-tier classification system for the sex offender registry establishes different amounts of time for offenders to remain on the registry based on categories of offenses for which they were convicted. Offenders can petition to be released from registry requirements for other reasons; local prosecutors are to notify victims when their offenders file registry removal petitions.

- **Time requirements for registry as sex offender based on tiers; some time reductions allowed**  
  (Section 589.400.4-5 RSMo)
  - Tier 1 offenders are required to be on the registry for 15 years, with a potential reduction of five years for offenders with “a clean record;”
  - Tier 2 offenders are required to be on the registry for 25 years; and
  - Tier 3 offenders are required to be on the registry for the life of the offender, with a potential reduction after 25 years with “a clean record.”

- **Sex offenders can petition courts for removal from sex offender registry; victims to be notified**  
  (Sections 589.401.1-18 RSMo)
  Persons on the sex offender registry can petition the court to be removed from the registry after being on the registry for the time required based on the tier of their offenses. The “request for registration removal” petition has to be filed in the court jurisdiction in which the conviction occurred. The prosecutor in that jurisdiction can present evidence to the court in opposition to the registry removal request. The prosecutor also is required to make “reasonable efforts” to notify the victim of the offense that the offender is seeking to be removed from the registry.

- **Juveniles exempt from inclusion on public sex offender registry; must be registered locally**  
  (Section 43.650.5 RSMo and Section 589.400.2 RSMo)
  The publicly accessible Missouri sex offender registry is to exclude the names of juveniles age 14 or older who are required to register as sex offenders. These juveniles are required to be registered with the chief law enforcement official in the communities where they reside, including registration within three days of their release from the Division of Youth Services, Department of Mental Health or other placement (Section 589.400.2 RSMo).
Convicted child sex offenders prohibited from residing in dwelling within 1,000 feet of victim

In addition to other restrictions on those convicted of sexual offenses, persons convicted of sexual offenses against a child victim are prohibited from living in a dwelling that is "within one thousand feet of the property line of the residence of a former victim of such person" (Section 566.147.1(2) RSMo).
Reform measures added to laws governing programs and practices of Department of Corrections

Significant revisions were made to the laws governing the practices of the Department of Corrections (DOC) for its services of incarceration, parole, probation and offender supervision. These laws include sections on offender assessments, opportunities for victims’ input on safety concerns, revisions to parole reviews, and community-level offender supervision centers, including specific behavioral health programs.

- **Corrections to adopt evidence-based practices, assessments validated for gender and ethnicity**
  (Section 217.361.1-6 RSMo)
  
  This section of law contains several components to advance best practices in all programs of the Department of Corrections, including: adoption of risk and needs assessment tools that are reviewed and validated for “gender and racial groups;” implementation of evidence-based, cognitive behavioral programs; use of risk assessment for case management and supervision practices; ongoing training for staff; and staff performance measured against best practices.

- **Parole board risk assessment of offenders required; hearing required if victim requests**
  (Section 217.690.2 RSMo)
  
  Prior to the parole of an offender, the Board of Probation and Parole will conduct a risk and needs assessment evaluation. The Board may then release the offender, based on the risk assessment and “release readiness,” without a hearing. However, a parole hearing must be held if the victim of the offender requests one, which may be held as a videoconference.

- **Victims to be notified of ability to provide input into pre-release offenders’ risk assessments**
  (Section 217.690.7 RSMo)
  
  This section of law states: “A victim who has requested an opportunity to be heard shall receive notice that the board is conducting an assessment of the offender’s risk and readiness for release and that the victim’s input will be particularly helpful when it pertains to safety concerns and specific protective measures that may be beneficial to the victim should the offender be granted release.”

- **Community behavioral health programs to be established for DOC-supervised offenders**
  (Section 217.021 RSMo)
  
  The Department of Corrections is required to establish and implement a program for comprehensive, community-based behavioral health services for offenders under supervision. With the collaboration of the Department of Mental Health, the behavioral health program is required to “provide individualized care delivered through integrated multidisciplinary care teams.”
BUSINESS LIABILITY

Liability law changes: businesses have no duty to guard against criminal acts on their premises

A change in Missouri liability law has been interpreted by its proponents as necessary to protect businesses from liability lawsuits for “unpreventable” crimes that occur on business premises. Opponents state that the changes in liability law end the ability of victims to hold a business liable when a foreseeable criminal offense, such as a sexual assault, occurred on the business’ premises.

- No business liability for certain harmful acts or crimes on business premises (Section 537.787.1 RSMo)

This section of law states: “There is no duty upon a business to guard against criminal acts or harmful acts on the premises unless the business knows or has reason to know that such acts are being committed or are reasonably likely to be committed in a particular area of the premises and sufficient time exists to prevent such crime or injury. In the absence of such a duty, no civil action for damages shall lie against a business for injuries sustained by a person in connection with criminal acts or harmful acts committed by another person on the premises.”
UNIFORM CRIME REPORTING

All law enforcement agencies to submit crime reports by 2021 or risk funding losses

By December 31, 2021, Missouri law enforcement agencies must comply with crime incident and arrest reporting requirements or they “may be ineligible” to receive state or federal funds for law enforcement, safety or criminal justice purposes (Section 43.505.4 RSMo). The Department of Public Safety collects and compiles the Missouri crime incident and arrest reports and submits them to the Federal Bureau of Investigation for entry into the national Uniform Crime Reporting system.