

SECOND REGULAR SESSION

SENATE BILL NO. 955

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHILDERS.

Read 1st time February 25, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3522.011

AN ACT

To amend chapter 595, RSMo, by adding thereto one new section relating to rights of crime victims.

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

Section A. Chapter 595, RSMo, is amended by adding thereto one new section, to be known as section 595.225, to read as follows:

595.225. 1. As used in this section, the following terms mean:

(1) "Convicted", includes a finding of guilt, whether or not the adjudication of guilt is stayed or executed, an unwithdrawn judicial admission of guilt or guilty plea, a no contest plea, a judgment of conviction, an adjudication as a delinquent child, an admission to a juvenile delinquency petition or a disposition as an extended jurisdiction juvenile;

(2) "Course of criminal conduct", includes the acts or omissions of a victim in resisting criminal conduct;

(3) "Perpetrator", a person who has engaged in criminal conduct and includes a person convicted of a crime;

(4) "Victim", a person who was the object of another's criminal conduct and includes a person at the scene of an emergency who gives reasonable assistance to another person who is exposed to or has suffered grave physical harm; and

(5) "Violent crime", any of the following offenses: murder in the first degree, murder in the second degree, voluntary manslaughter, assault in the first degree, assault in the second degree, assault in the third degree, assault of a law enforcement officer in the first degree, assault of a law enforcement officer in the second degree, kidnapping, felonious restraint, forcible rape, sexual assault, forcible sodomy, robbery in the first degree, arson in the first degree, burglary in the first degree, armed

criminal action or an attempt to commit any of these offenses. "Violent crime" includes crimes in other states or jurisdictions which would have been within the definition set forth in this subdivision if they had been committed in this state.

2. A perpetrator assumes the risk of loss, injury or death resulting from or arising out of a course of criminal conduct involving a violent crime, as defined in this section, engaged in by the perpetrator or as part of a conspiracy as defined in section 564.106, RSMo, and the crime victim is immune from and not liable for any civil damages as a result of acts or omissions of the victim if the victim used justifiable force as authorized in chapter 563, RSMo.

3. Notwithstanding other evidence which the victim may adduce relating to the perpetrator's conviction of the violent crime involving the parties to the civil action, a certified copy of a guilty plea, a court judgment of guilt, a court record of conviction as specified in section 546.590, RSMo, an adjudication as a delinquent child or a disposition as an extended jurisdiction juvenile is conclusive proof of the perpetrator's assumption of the risk.

4. If the perpetrator does not prevail in a civil action that is subject to this section, the court may award reasonable expenses, including attorney's fees and disbursements, to the victim.

5. Except to the extent needed to preserve evidence, any civil action in which the defense set forth in subsection 2 or 3 of this section is raised shall be stayed by the court on the motion of the defendant during the pendency of any criminal action against the plaintiff based on the alleged violent crime.

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