

FIRST REGULAR SESSION

SENATE BILL NO. 362

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

Read 1st time February 28, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1814S.011

AN ACT

To amend chapter 455, RSMo, by adding thereto three new sections relating to domestic violence fatality review panels.

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

Section A. Chapter 455, RSMo, is amended by adding thereto three new sections, to be known as sections 455.725, 455.728, and 455.731, to read as follows:

455.725. 1. As used in sections 455.725 to 455.731, the following terms shall mean:

(1) "Department", the department of public safety;

(2) "Domestic violence fatality", a homicide or suicide involving a family or household member, as defined under section 455.010, who has engaged in acts of domestic violence. Acts of domestic violence include abuse or stalking, as such terms are defined in section 455.010.

2. Subject to appropriations, the department shall contract with an entity with expertise in domestic violence policy and education and with a statewide perspective to coordinate review of domestic violence fatalities. The coordinating entity shall be authorized to:

(1) Convene regional review panels;

(2) Gather information for use of regional review panels;

(3) Provide training and technical assistance to regional review panels;

(4) Compile information and issue biennial reports with recommendations to the department; and

(5) Establish a protocol that may be used as a guideline for identifying domestic violence related fatalities, forming review panels, convening reviews, and selecting which cases to review. The

21 coordinating entity may also establish protocols for data collection and
22 preservation of confidentiality.

23 3. The coordinating entity may convene a regional domestic
24 violence fatality review panel to review any domestic violence fatality.

25 4. Private citizens may request a review of a particular death by
26 submitting a written request to the coordinating entity within two
27 years of the death. Of these, the appropriate regional review panel may
28 review those cases which fit the criteria set forth in the protocol for
29 the project.

455.728. 1. Regional domestic violence fatality review panels
2 shall include but not be limited to:

- 3 (1) Medical personnel with expertise in domestic violence abuse;
- 4 (2) Coroners or medical examiners or others experienced in the
5 field of forensic pathology, if available;
- 6 (3) County prosecuting attorneys and municipal attorneys;
- 7 (4) Domestic violence shelter service staff and domestic violence
8 victims' advocates;
- 9 (5) Law enforcement personnel;
- 10 (6) Local health department staff;
- 11 (7) Children's division workers within the department of social
12 services;
- 13 (8) Community corrections professionals;
- 14 (9) A perpetrator treatment program provider; and
- 15 (10) Judges, court administrators, or their representatives.

16 2. Regional domestic violence fatality review panels may also
17 invite other relevant persons to serve on an ad hoc basis and
18 participate as full members of the review panel for a particular
19 review. These persons may include, but are not limited to:

- 20 (1) Individuals with particular expertise helpful to the regional
21 review panel; and
- 22 (2) Representatives of organizations or agencies that had contact
23 with or provided services to the homicide victim or to the alleged
24 perpetrator.

25 3. The regional review panels shall make periodic reports to the
26 coordinating entity and shall make a final report to the coordinating
27 entity with regard to every fatality that is reviewed.

455.731. 1. An oral or written communication or a document

2 related to a domestic violence fatality review shall be confidential and
3 not subject to disclosure or discoverable by a third party if such
4 communication or document has been:

5 (1) Shared within or produced by a regional domestic violence
6 fatality review panel;

7 (2) Provided by a third party to a regional domestic violence
8 fatality review panel; or

9 (3) Provided between a third party and a regional domestic
10 violence fatality review panel.

11 Notwithstanding the foregoing, recommendations from the regional
12 domestic violence fatality review panel and the coordinating entity
13 generally may be disclosed without personal identifiers.

14 2. The regional review panels, only to the extent otherwise
15 permitted by law or court rule, shall have access to information and
16 records regarding the domestic violence victims and perpetrators
17 under review held by:

18 (1) Domestic violence perpetrators' treatment providers;

19 (2) Dental care providers;

20 (3) Hospitals, medical providers, and pathologists;

21 (4) Coroners and medical examiners;

22 (5) Mental health providers;

23 (6) Lawyers;

24 (7) The state and local governments;

25 (8) The courts; and

26 (9) Employers.

27 The coordinating entity and the regional review panels shall maintain
28 the confidentiality of such information to the extent required by any
29 applicable law.

30 3. The regional review panels shall review, only to the extent
31 otherwise permitted by law or court rule when determined to be
32 relevant and necessary to an investigation:

33 (1) Guardian ad litem reports, parenting evaluations, and victim
34 impact statements;

35 (2) Probation information;

36 (3) Mental health evaluations done for court;

37 (4) Presentence interviews and reports, and any
38 recommendations made regarding bail and release on own

39 **recognizance;**

40 **(5) Child protection services and other information held by the**
41 **department of social services;**

42 **(6) Any law enforcement incident documentation, such as**
43 **incident reports, dispatch records, victim, witness, and suspect**
44 **statements, and any supplemental reports, probable cause statements,**
45 **and 911 call taker's reports; corrections and postsentence supervision**
46 **reports; and**

47 **(7) Any other information determined to be relevant to the**
48 **review.**

49 **The coordinating entity and the regional review panels shall maintain**
50 **the confidentiality of such information to the extent required by any**
51 **applicable law.**

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