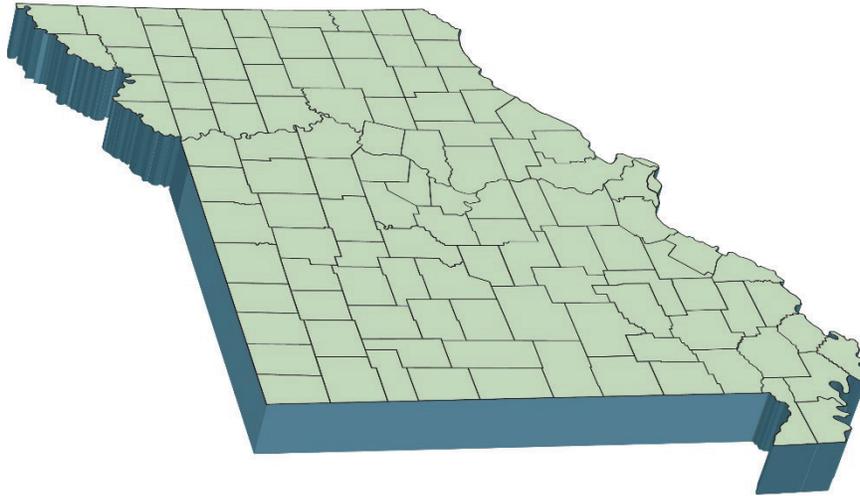


# **A Brief Guide to Missouri Sexual Assault Survivors' Rights**



**LARGE PRINT EDITION**

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## INTRODUCTION

You have rights under Missouri law. This is a summary of some of those rights. This is your copy. It has important information that will help you.

Missouri is committed to protecting the rights of sexual assault survivors. Missouri is also committed to informing survivors of resources that may help them pursue justice and healing.

**If you are receiving a forensic examination, turn to page 5.**

**If this is your first interaction with the police, turn to page 7.**

**¡IMPORTANTE!**

**Si habla español, consulte la página 15 para obtener información importante.**

## A SUMMARY OF YOUR RIGHTS

**You do not have to participate in the criminal justice system or receive a forensic examination in order to retain the rights provided by the Sexual Assault Survivors' Bill of Rights and other relevant law.**

Missouri law protects the rights of survivors. The rights of crime victims are contained in the Bill of Rights in the [Missouri Constitution, art. I, § 32](#). Victims of dangerous felonies and domestic assault also receive rights. [§ 595.209, RSMo 2016](#).

In addition to these rights, as a sexual assault survivor you have the following rights:

### **General rights:**

- Reasonable protection from the defendant and persons acting on behalf of the defendant.
- To be free from intimidation, harassment and abuse.

### **Before, during, and after an interview:**

- To consult with an employee or volunteer of a crisis center (sometimes called an “advocate”) during any interview by a law enforcement official, prosecutor, or defense attorney, unless this person cannot arrive promptly. The interviewer will contact the advocate for you before starting the interview.
- To have your lawyer present during an interview by a law enforcement officer.

- To have a support person of your choice present during any interview by a law enforcement officer, prosecutor, or defense attorney. If the interviewer determines that having the support person present would hurt the interviewer, the support person may be asked to leave.
- To be interviewed by a law enforcement officer of the gender of your choice. If a law enforcement officer of that gender is not reasonably available, you may not be interviewed by an available law enforcement officer unless you agree.

### **Before, during, and after a forensic examination:**

- To consult with an advocate before and during a forensic examination.
- To have a support person of your choice present.
- To delay the exam if a victim advocate cannot arrive soon, and to be informed of what it means to delay the exam.
- To receive an examination at no charge, paid for by the Missouri Department of Public Safety.
- To shower at no cost after an examination, unless showering facilities are not reasonably available.
- To prompt analysis of sexual assault forensic evidence.
- Evidence collected from your forensic sexual assault examination shall not be used to prosecute you for misdemeanor crimes or search for further evidence of any unrelated misdemeanor crimes, including misdemeanor drug offenses under [chapter 579 of the Missouri Revised Statutes](#).
- To be informed, upon your request, of the results of the analysis of your sexual assault forensic evidence. You may receive this information through a secure and confidential message in writing from the crime laboratory.

***No law enforcement official, prosecutor, or defense attorney may discourage you from receiving a forensic examination for any reason.***

**Other rights:**

- To have your lawyer present during any interaction with the legal or criminal justice systems.
- To receive certain information after making a request in writing, including the following:
  - A complete, unaltered copy of the law enforcement report within 14 days of your request.
  - Timely notice of outcome of the case.
  - Timely notice of the offender's location upon conviction of a sex offense.
  - Timely notice of the sex offender registry information.
- To be able to proceed with an investigation or filing criminal charges without taking a polygraph examination.
- To be heard at any proceeding where your rights are at issue.

NOTES

**IF YOU ARE RECEIVING A FORENSIC EXAMINATION**  
*To be presented by a medical provider prior to examination.*

**If you do not understand something, please let me know. I will help explain it to you. If I cannot explain it, I will ask someone to explain it to you.**

We have been told that you may have been hurt. Because of this, we are preparing to conduct a forensic examination. This exam may find evidence about your injuries. If we find evidence, that may help us identify and prosecute someone who has hurt you.

**Here are a few things you should know:**

- This test is free to you. It is paid for by the Missouri Department of Public Safety.
- Before the test, you have the right to meet with an employee or volunteer from a crisis center who works with people who have been hurt like you. If you want to meet with this person, please let me know. I will contact someone to come help you. Your meeting with this person will happen privately.

If an employee or volunteer of a crisis center cannot be here soon, then you may choose not to participate in the exam today. You may be examined at another time. You may also choose not to be examined at all. These are important choices. There may be evidence that the exam will find that will not be there if the exam happens later. Without this evidence, it may be harder to identify or prosecute someone who has hurt you.

- You have the right to have someone here to support you. You may choose that person.
- Sometimes after the exam, people want to take a shower. If we have a shower, you may use it for free.
- To learn the results of the analysis of the evidence from exam, contact the law enforcement agency listed in the “Survivor Resources” section of this document.

**Missouri law requires you to sign the acknowledgement on page 18.**

Finally, before the test starts, I will give you another form. This form tells you about your options for processing your test results. This form tells us how you want your test results to be handled.

If you have any questions, please let me know.

NOTES

**IF THIS IS YOUR INITIAL INTERACTION WITH  
LAW ENFORCEMENT**

*To be presented by a law enforcement official upon initial interaction  
with a survivor.*

**If you do not understand something, please let me know. I will help explain it to you. If I cannot explain it, I will ask someone to explain it to you.**

Here are a few things you should know about your rights:

- Your rights are provided by law. You do not have to participate in the criminal justice system to keep these rights. You also do not have to receive a forensic examination to keep these rights.
- There are law enforcement protections for sexual assault survivors. You may receive an order of protection from a court. This order directs someone to not abuse, stalk, sexually assault, or harass someone else. If someone violates one of these orders, it may be a crime. An order of protection is valid in every state.

There is no fee to ask for an order of protection. You do not need a lawyer to get an order of protection. You must request an order of protection from a court in the correct county. A judge will then decide whether to grant an order.

There are two types of orders of protection: “Ex parte” or “full.” An ex parte order is temporary and remains effective until a hearing. A court may grant a full order after a hearing. It is valid for between 180 days and one year.

The State of Missouri has created forms to request such an order. You may find the forms at [www.courts.mo.gov](http://www.courts.mo.gov) by selecting Court Forms > Adult Abuse Forms. The Circuit Clerk's office will also provide copies of all necessary forms.

- If you wish to receive the result of the analysis of your sexual assault forensic evidence, call the police department listed on the back of this form.
- There are funds available that may help with your costs resulting from this crime. For more information on these services, visit <https://www.dps.mo.gov/cvc/> or call (573) 526-6006. You may also wish to speak to a victim advocate from the prosecutor's office listed on this form.

**If you are being interviewed, Missouri law requires that you sign to confirm that you received your rights before the interview starts. Please sign the acknowledgement on page 18.**

If you have any questions, please let me know.

NOTES

## MISSOURI SEXUAL ASSAULT SURVIVORS' BILL OF RIGHTS

The Missouri Sexual Assault Survivors' Bill of Rights became effective August 28, 2020. It is contained in [section 595.201 of the Missouri Revised Statutes](#). The full text of this law is as follows:

595.201. Sexual assault survivors' bill of rights — definitions. —

1. This section shall be known and may be cited as the "Sexual Assault Survivors' Bill of Rights".

2. The rights provided to survivors in this section attach whenever a survivor is subject to a forensic examination, as provided in section 595.220; and whenever a survivor is subject to an interview by a law enforcement official, prosecuting attorney, or defense attorney. A survivor retains all the rights of this section at all times regardless of whether the survivor agrees to participate in the criminal justice system or in family court; and regardless of whether the survivor consents to a forensic examination to collect sexual assault forensic evidence. The following rights shall be afforded to sexual assault survivors:

(1) A survivor has the right to consult with an employee or volunteer of a rape crisis center during any forensic examination that is\* subject to confidentiality requirements pursuant to section 455.003, as well as the right to have a support person of the survivor's choosing present, subject to federal regulations as provided in 42 CFR 482; and during any interview by a law enforcement official, prosecuting attorney, or defense attorney. A survivor retains this right even if the survivor has waived the right in a previous examination or interview;

(2) Reasonable costs incurred by a medical provider for the forensic examination portion of the examination of a survivor shall be paid by the department of public safety, out of appropriations made for that purpose, as provided under section 595.220. Evidentiary collection kits shall be developed and made available, subject to appropriations, to appropriate medical providers by the highway patrol or its designees and eligible crime laboratories. All appropriate medical provider charges for eligible forensic examinations shall be billed to and paid by the department of public safety;

(3) Before a medical provider commences a forensic examination of a survivor, the medical provider shall provide the survivor with a document to be developed by the department of public safety that explains the rights of survivors, pursuant

to this section, in clear language that is comprehensible to a person proficient in English at the fifth-grade level, accessible to persons with visual disabilities, and available in all major languages of the state. This document shall include, but is not limited to:

(a) The survivor's rights pursuant to this section and other rules and regulations by the department of public safety and the department of health and senior services, which shall be signed by the survivor of sexual assault to confirm receipt;

(b) The survivor's right to consult with an employee or volunteer of a rape crisis center, to be summoned by the medical provider before the commencement of the forensic examination, unless no employee or volunteer of a rape crisis center can be summoned in a reasonably timely manner, and to have present at least one support person of the victim's choosing;

(c) If an employee or volunteer of a rape crisis center or a support person cannot be summoned in a timely manner, the ramifications of delaying the forensic examination; and

(d) After the forensic examination, the survivor's right to shower at no cost, unless showering facilities are not reasonably available;

(4) Before commencing an interview of a survivor, a law enforcement officer, prosecuting attorney, or defense attorney shall inform the survivor of the following:

(a) The survivor's rights pursuant to this section and other rules and regulations by the department of public safety and the department of health and senior services, which shall be signed by the survivor of sexual assault to confirm receipt;

(b) The survivor's right to consult with an employee or volunteer of a rape crisis center during any interview by a law enforcement official, prosecuting attorney, or defense attorney, to be summoned by the interviewer before the commencement of the interview, unless no employee or volunteer of a rape crisis center can be summoned in a reasonably timely manner;

(c) The survivor's right to have a support person of the survivor's choosing present during any interview by a law enforcement officer, prosecuting attorney, or defense attorney, unless the law enforcement officer, prosecuting attorney, or defense attorney determines in his or her good faith professional judgment that the presence of that individual would be detrimental to the purpose of the interview; and

(d) For interviews by a law enforcement officer, the survivor's right to be

interviewed by a law enforcement official of the gender of the survivor's choosing. If no law enforcement official of that gender is reasonably available, the survivor shall be interviewed by an available law enforcement official only upon the survivor's consent;

(5) The right to counsel during an interview by a law enforcement officer or during any interaction with the legal or criminal justice systems within the state;

(6) A law enforcement official, prosecuting attorney, or defense attorney shall not, for any reason, discourage a survivor from receiving a forensic examination;

(7) A survivor has the right to prompt analysis of sexual assault forensic evidence, as provided under section 595.220;

(8) A survivor has the right to be informed, upon the survivor's request, of the results of the analysis of the survivor's sexual assault forensic evidence, whether the analysis yielded a DNA profile, and whether the analysis yielded a DNA match, either to the named perpetrator or to a suspect already in CODIS. The survivor has the right to receive this information through a secure and confidential message in writing from the crime laboratory so that the survivor can call regarding the results;

(9) A defendant or person accused or convicted of a crime against a survivor shall have no standing to object to any failure to comply with this section, and the failure to provide a right or notice to a survivor under this section may not be used by a defendant to seek to have the conviction or sentence set aside;

(10) The failure of a law enforcement agency to take possession of any sexual assault forensic evidence or to submit that evidence for analysis within the time prescribed under section 595.220 does not alter the authority of a law enforcement agency to take possession of that evidence or to submit that evidence to the crime laboratory, and does not alter the authority of the crime laboratory to accept and analyze the evidence or to upload the DNA profile obtained from that evidence into CODIS. The failure to comply with the requirements of this section does not constitute grounds in any criminal or civil proceeding for challenging the validity of a database match or of any database information, and any evidence of that DNA record shall not be excluded by a court on those grounds;

(11) No sexual assault forensic evidence shall be used to prosecute a survivor for any misdemeanor crimes or any misdemeanor crime pursuant to sections 579.015 to 579.185; or as a basis to search for further evidence of any unrelated

misdemeanor crimes or any misdemeanor crime pursuant to sections 579.015 to 579.185, that shall have been committed by the survivor, except that sexual assault forensic evidence shall be admissible as evidence in any criminal or civil proceeding against the defendant or person accused;

(12) Upon initial interaction with a survivor, a law enforcement officer shall provide the survivor with a document to be developed by the department of public safety that explains the rights of survivors, pursuant to this section, in clear language that is comprehensible to a person proficient in English at the fifth-grade level, accessible to persons with visual disabilities, and available in all major languages of the state. This document shall include, but is not limited to:

(a) A clear statement that a survivor is not required to participate in the criminal justice system or to receive a forensic examination in order to retain the rights provided by this section and other relevant law;

(b) Telephone and internet means of contacting nearby rape crisis centers and employees or volunteers of a rape crisis center;

(c) Forms of law enforcement protection available to the survivor, including temporary protection orders, and the process to obtain such protection;

(d) Instructions for requesting the results of the analysis of the survivor's sexual assault forensic evidence; and

(e) State and federal compensation funds for medical and other costs associated with the sexual assault and any municipal, state, or federal right to restitution for survivors in the event of a criminal trial;

(13) A law enforcement official shall, upon written request by a survivor, furnish within fourteen days of receiving such request a free, complete, and unaltered copy of all law enforcement reports concerning the sexual assault, regardless of whether the report has been closed by the law enforcement agency;

(14) A prosecuting attorney shall, upon written request by a survivor, provide:

(a) Timely notice of any pretrial disposition of the case;

(b) Timely notice of the final disposition of the case, including the conviction, sentence, and place and time of incarceration;

(c) Timely notice of a convicted defendant's location, including whenever the defendant receives a temporary, provisional, or final release from custody, escapes from custody, is moved from a secure facility to a less secure facility, or reenters custody; and

(d) A convicted defendant's information on a sex offender registry, if any;

(15) In either a civil or criminal case relating to the sexual assault, a survivor has the right to be reasonably protected from the defendant and persons acting on behalf of the defendant, as provided under section 595.209 and Article I, Section 32 of the Missouri Constitution;

(16) A survivor has the right to be free from intimidation, harassment, and abuse, as provided under section 595.209 and Article I, Section 32 of the Missouri Constitution;

(17) A survivor shall not be required to submit to a polygraph examination as a prerequisite to filing an accusatory pleading, as provided under 595.223, or to participating in any part of the criminal justice system;

(18) A survivor has the right to be heard through a survivor impact statement at any proceeding involving a post arrest release decision, plea, sentencing, post conviction release decision, or any other proceeding where a right of the survivor is at issue, as provided under section 595.229 and Article I, Section 32 of the Missouri Constitution.

3. For purposes of this section, the following terms mean:

(1) "CODIS", the Federal Bureau of Investigation's Combined DNA Index System that allows the storage and exchange of DNA records submitted by federal, state, and local DNA crime laboratories. The term "CODIS" includes the National DNA Index System administered and operated by the Federal Bureau of Investigation;

(2) "Crime", an act committed in this state which, regardless of whether it is adjudicated, involves the application of force or violence or the threat of force or violence by the offender upon the victim and shall include the crime of driving while intoxicated, vehicular manslaughter and hit and run; and provided, further, that no act involving the operation of a motor vehicle, except driving while intoxicated, vehicular manslaughter and hit and run, which results in injury to another shall constitute a crime for the purpose of this section, unless such injury was intentionally inflicted through the use of a motor vehicle. A crime shall also include an act of terrorism, as defined in 18 U.S.C. Section 2331, which has been committed outside of the United States against a resident of Missouri;

(3) "Crime laboratory", a laboratory operated or supported financially by the state, or any unit of city, county, or other local Missouri government that employs at least one scientist who examines physical evidence in criminal matters and provides expert or opinion testimony with respect to such physical evidence in a state court of law;

(4) "Disposition", the sentencing or determination of a penalty or punishment to be imposed upon a person convicted of a crime or found delinquent or against who a finding of sufficient facts for conviction or finding of delinquency is made;

(5) "Law enforcement official", a sheriff and his regular deputies, municipal police officer, or member of the Missouri state highway patrol and such other persons as may be designated by law as peace officers;

(6) "Medical provider", any qualified health care professional, hospital, other emergency medical facility, or other facility conducting a forensic examination of the survivor;

(7) "Rape crisis center", any public or private agency that offers assistance to victims of sexual assault, as the term sexual assault is defined in section 455.010, who are adults, as defined by section 455.010, or qualified minors, as defined by section 431.056;

(8) "Restitution", money or services which a court orders a defendant to pay or render to a survivor as part of the disposition;

(9) "Sexual assault survivor", any person who is a victim of an alleged sexual offense under sections 566.010 to 566.223 and, if the survivor is incompetent, deceased, or a minor who is unable to consent to counseling services, the parent, guardian, spouse, or any other lawful representative of the survivor, unless such person is the alleged assailant;

(10) "Sexual assault forensic evidence", any human biological specimen collected by a medical provider during a forensic medical examination from an alleged survivor, as provided for in section 595.220, including, but not limited to, a toxicology kit;

(11) "Survivor", a natural person who suffers direct or threatened physical, emotional, or financial harm as the result of the commission or attempted commission of a crime. The term "victim" also includes the family members of a minor, incompetent or homicide victim.

## STATE REGULATIONS

The Code of State Regulations (also called the “CSR”), [11 CSR 30-12](#), provides procedures for the Department of Public Safety to pay for sexual assault forensic examinations with available funds.

The CSR contains the regulations of all Missouri state agencies, including the Department of Public Safety and the Department of Health and Senior Services. The Missouri Secretary of State publishes the CSR. You may access the CSR at <https://www.sos.mo.gov/adrules/csr/csr>.

## ENTENDER SUS DERECHOS

**Missouri tiene el compromiso de proteger los derechos de las sobrevivientes de agresión sexual. Missouri también se compromete a informar a los sobrevivientes sobre los recursos que pueden ayudarlos a buscar justicia y curación.**

**No es necesario que participe en el sistema de justicia penal ni se someta a un examen forense para conservar los derechos previstos en la Declaración de Derechos de los Sobrevivientes de Agresión Sexual y otras leyes pertinentes.**

**La ley de Missouri requiere que un sobreviviente sea informado de los derechos del sobreviviente antes de un examen forense por parte de un proveedor médico, o antes de una entrevista con un oficial de la ley, fiscal o abogado defensor. Si esto se aplica a usted, complete la página de reconocimiento al final y devuélvala a la persona que le presentó el documento.**

**Si necesita una versión de este documento en español, visite <https://www.dps.mo.gov>.**

## RESOURCES FOR SURVIVORS

A statewide victim services directory is available at <https://dps.mo.gov/dir/programs/cvsu/victimservices/>.

### Hotlines

- **National Sexual Assault Hotline:** (800) 656-4673
- **National Domestic Violence Hotline:** (800) 799-7233
- **Missouri Child Abuse Hotline:** (800) 392-3738
- **Missouri Elder Abuse Hotline:** (800) 392-0210
- **National Human Trafficking Hotline:** (800) 3737-888

### State of Missouri Resources

- **Crime Victims' Compensation:**
  - <https://dps.mo.gov/dir/programs/cvc/>
  - (800) 347-6881
- **MOVANS** (Missouri Victim Automated Notification System):
  - <https://dps.mo.gov/dir/programs/cvsu/movans.php>
  - (866) 566-8267
- **Department of Corrections, Victim Services:**
  - <https://doc.mo.gov/director/office-victim-services>
  - (573) 526-8267
- **Missouri Secretary of State, Safe at Home Address Confidentiality Program:**
  - <https://www.sos.mo.gov/business/safeathome>
  - (866) 509-1409
- **Missouri Office of Prosecution Services:**
  - <https://www.prosecutors.mo.gov>
  - (573) 751-0619

- **Missouri Attorney General's Office:**
  - <https://www.ago.mo.gov>
  - (573) 751-3321
- **Missouri State Highway Patrol Crime Laboratory:**
  - <https://www.mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/CLD/index.html>
  - (573) 526-6134

### Victim Advocacy and Resource Organizations

- **Missouri Coalition Against Domestic or Sexual Violence:**
  - <https://www.mocadsv.org/>
  - (573) 634-4161
- **Missouri Office of Prosecution Services – Statewide Victim Advocate:**
  - <https://www.prosecutors.mo.gov>
  - (573) 751-0619
- **Metropolitan Organization to Counter Sexual Assault (Kansas City):**
  - <https://www.mocsa.org/>
  - (816) 931-4527
- **YWCA Metro St. Louis:**
  - <https://www.ywcastl.org/what-were-doing/domesticviolence>
  - (314) 531-7273
- **Southeast Missouri Network Against Sexual Violence:**
  - <https://www.semonasv.org/>
  - (573) 332-1900
- **Deaf LEAD:**
  - <https://www.deafinc.org/deaflead/index.html>
  - Deaf Crisis Line: VP: (321) 800-3323
  - Missouri Crisis Line:
    - V: (888) 761-4357 (HELP)
    - TTY: (800) 380-3323 (DEAF)
    - Text: Text HAND and type 839863

## LOCAL RESOURCES FOR SURVIVORS

### LAW ENFORCEMENT AGENCY

Agency name: \_\_\_\_\_

Contact name: \_\_\_\_\_

Phone number: \_\_\_\_\_

*You may request the results of the analysis of your sexual assault forensic evidence by contacting this agency. If no agency is listed, contact the Missouri State Highway Patrol Crime Laboratory, at (573) 526-6134.*

### PROSECUTING ATTORNEY

Prosecuting agency: \_\_\_\_\_

Contact name: \_\_\_\_\_

Phone number: \_\_\_\_\_

### ADVOCATE AGENCY / RAPE CRISIS CENTER

Agency name: \_\_\_\_\_

Contact name: \_\_\_\_\_

Phone number: \_\_\_\_\_

*If no crisis center is listed, contact the National Sexual Assault Hotline at (800) 656-4673. Your call will be routed to a local service provider.*

## ACKNOWLEDGEMENT OF RECEIPT OF RIGHTS

Instructions: This acknowledgement is to be completed by a survivor in either of the following circumstances:

- (1) Before a medical provider begins a forensic examination of a survivor, § 595.201.2(3)(a), RSMo; or
- (2) Upon initial interaction with a survivor by a law enforcement officer, § 595.201.2(12), RSMo.

The completed form is to be returned to the person presenting the document to the survivor.

**I have received a copy of the Brief Guide to Missouri Sexual Assault Survivors' Rights. This includes my rights pursuant to section 595.201, RSMo, and other rules and regulations by the Department of Public Safety and the Department of Health and Senior Services.**

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Survivor's Signature

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Survivor's Name (printed)

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Signature of person presenting copy of this document

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Name of person presenting this document (printed)

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Date



**Developed by the  
Missouri Department of Public Safety  
<https://www.dps.mo.gov>**

*This document is developed pursuant to § 595.201.2(3) and (12), RSMo.  
It is current as of August 28, 2020.*

*To check for the most recent version of this document, visit [www.dps.mo.gov](http://www.dps.mo.gov).*