

Crime Victims' Rights

A Guide Through Missouri's Criminal Justice System



**A Missouri State Highway Patrol/
MADD Collaboration**

The Missouri State Highway Patrol Cares

The Missouri State Highway Patrol strives to provide “service and protection” to all individuals living or traveling through Missouri. Our employees are concerned about what you’ve experienced as a victim of a crime. The Missouri State Highway Patrol is committed to providing information about victim rights and the laws protecting them. This Crime Victims’ Rights booklet, a collaboration of the Missouri State Highway Patrol and Mothers Against Drunk Driving (MADD), is designed to do just that.

For additional assistance, contact our civilian victim advocate at **1-888-773-1800**.

Who Is MADD?

Founded by a mother whose daughter was killed by a drunk driver, Mothers Against Drunk Driving® (MADD) is the nation’s largest nonprofit working to protect families from drunk driving and underage drinking. One of the largest victim services organizations in the United States, MADD supports drunk and drugged driving victims and survivors at no charge. Learn more at www.madd.org or by calling 1-877-ASK-MADD.

MADD’s Mission Statement:

The mission of Mothers Against Drunk Driving is to stop drunk driving, support the victims of this violent crime, and prevent underage drinking.

MADD’s Victim Services:

First there’s the crash, then the lifelong impact. If you are coping with the trauma of an impaired driving crash, we offer victim assistance, grief support for injured and surviving victims, and legal advocacy. Call **1-877-MADD-HELP** to speak with a victim advocate, day or night.

Crime Victims' Rights (Section 595.200 RSMo.)

As a victim, you have the right to be treated with fairness and with respect for your dignity and privacy. Upon written request to the prosecutor of the county in which the crime occurred, you have a right to:

- Attend all proceedings that the defendant has the right to attend, even if you are called to testify.
- Support from victim advocates in exercising your rights as a victim of crime.
- Assistance and cooperation from criminal justice agencies.
- Information, case status, and copies of unaltered reports.
- Information about available witness fees, Crime Victims' Compensation Fund, and restitution.
- Expedited return of property when it's no longer needed as evidence.

You have the right to be notified of:

- Hearings, pleas, sentencing, and to be heard at same.
- Changes in court proceedings, filing of charges, hearing dates, and final case disposition in a timely manner.
- The release of offender from prison or other institution, upon request to the appropriate custodial facility.

You have the right to be included in the prosecution process:

- By informing the court of the impact of the crime before sentencing through a Victim Impact Statement.
- By expressing your opinion about a plea agreement or sentence recommendation.
- By requesting a speedy trial.
- By having input in pretrial diversion programs.
- By bringing a supportive person to hearings.

You have the right to protection from harm.

- Tampering with a witness is against Missouri law.
- Witnesses do not have to state their addresses in court.
- Victims have the right to a separate, secure waiting area during court and reasonable protection from the defendant.
- Employers may not discipline or dismiss victims or witnesses who are called to testify in court.
- Reasonable protection from the defendant.

Financial Assistance

If you have suffered a physical or psychological injury as a direct result of a crime, AND you have expenses not covered by insurance or medical assistance, you may be eligible for financial help through the Missouri Crime Victims' Compensation Fund.

The fund is a payor of last resort. Therefore, any compensation paid is reduced by the amount of any payments, benefits, or awards from or on behalf of the offender, private or public insurance programs, public or private funds, including workers' compensation awards. Monthly social security benefits, retirement benefits and life insurance proceeds received are not considered as a factor for reduction of benefits.

It is the responsibility of the claimant to prove to the satisfaction of the program that it is more likely than not that the physical, emotional, or mental harm or trauma giving rise to the application, and the expense for which compensation is sought, was caused by a compensable crime.

Victims may recover up to a total of \$25,000 for:

- Medical costs including ambulance, hospital, physician, dental work, and prescriptions.
- Mental health costs directly related to the crime including psychological counseling.
- Lost wages, up to a maximum amount, due to a disabling physical or psychological injury that resulted directly from the crime.
- Loss of support for dependents of a deceased or injured victim, up to a maximum amount, to replace the victim's financial contribution to the family.
- Preparation and burial expenses up to \$5,000.

For more information, please contact:

Crime Victims' Compensation

P.O. Box 1589

Jefferson City, MO 65102-1589

(573) 526-6006

(800) 347-6881

(573) 526-4940 FAX

<https://dps.mo.gov/dir/programs/cvc/>

cvc@dps.mo.gov

**Don't wait to apply! There is a two-year time limit for filing a claim.
(Section 595.010 RSMo.)**

What Should You Do?

If you have been the victim of a drunk driving crash:

- 1. Get a copy of the crime reports.** Requests for reports must be made to the agency that generated the report. You will need to know the date and the scene of the crime. Call the investigating officer at the city police department if the crime happened in the city, or the Highway Patrol or county sheriff's department if it occurred outside the city limits. Ask the officer for the crime report number. There may be more than one report – one prepared when the crime occurred, and additional, supplemental reports completed after further investigation. Ask for all reports by report number, if known. If the report number is unknown, refer to those involved by name. You may need to make separate requests for supplemental reports.
- 2. Call the investigating officer and report ALL errors in the crime reports immediately.** Look for:
 - BAC (Blood Alcohol Content) laboratory reports.
 - If no BAC was obtained, and the report shows suspicion of alcohol and/or drug use, inquire why the tests were not administered.
- 3. Ask to be kept informed about the case.** Find out if the prosecutor or investigating agency has a victim advocate. If so, the advocate will provide resources and support for you. When you contact the advocate, be sure to include all of the information needed to contact you. Also, secure your rights as a crime victim by sending written notification to the prosecutor of the county where the crime occurred. Sample letter is provided in this booklet.
- 4. Keep all records and record all expenses related to the case.**
 - Document everything you can in writing, take pictures, etc.
- 5. Request a MADD court advocate to accompany you to court.**

CALL

1-800-736-6233

or

1-877-623-3435

(24 Hour Help Line)

Deadlines important to victims of drunk driving crashes:

1. You have **two years** from the date of the crash to file a compensation claim with Crime Victims' Compensation.
2. In a civil **dram shop claim** (an illegal liquor sale to the offender), you have **five years** from the date of the illegal sale to file the claim.
3. In a civil suit claiming **negligence**, you have **five years** from the date of the crash to file the claim.

Sample Letter To Secure Your Rights

The law states that your rights as a crime victim shall be extended to you upon your written request to the prosecutor of the county in which the incident occurred. **Below is a sample of a letter which you may use to send to the prosecutor.**

Date

Prosecutor's Name
Address
City, State and Zip

Re: State of Missouri vs. _____ (*Defendant*)
Case Number: _____ (*If known*)

Dear _____:

Regarding the above-mentioned individual, I request to be informed of any and all developments in this person's criminal case in a timely manner. I am particularly interested in filing of charges, preliminary hearing dates, trial dates, continuances, and final disposition of case.

I wish to take an active part in the prosecution of this individual. I intend to submit a Victim Impact Statement and take an active role in making sure the sentence is carried out to the fullest.

Sincerely,

Your Signature

Your Name
Address
City, State, and Zip
Home Phone Number
Work Phone Number

Missouri DWI Laws

Statute Of Limitations For Filing Of Charges (Section 556.036 RSMo.)

- Infraction — 6 months
- Misdemeanor — 1 year
- Felony — 3 years

DWI/Driving While Intoxicated (Section 577.010 RSMo.)

- First Offense — Class B Misdemeanor
- Prior Offender — Class A Misdemeanor
- Persistent Offender — Class E Felony (results in death or injury)
- Aggravated Offender — Class D Felony (results in death or injury)
- Chronic Offender — Class C Felony (results in death or injury)
- Habitual Offender — Class B Felony (results in death or injury)

Leaving The Scene Of A Motor Vehicle Injury Crash (Section 577.060 RSMo.)

- Class A Misdemeanor – First Offense — Leaving the scene
- Class E Felony — Results in injury or \$1,000 property damage or second offense
- Class D Felony — Results in death

Sentencing Guidelines (Sections 558.002 and 558.011 RSMo.)

- Class A Misdemeanor — up to 1 year in jail and/or \$2,000 fine
 - Class B Misdemeanor — up to 6 months in jail and/or \$1,000 fine
 - Class A Felony — Not less than 10 years and not to exceed 30 years in prison, or life in prison
 - Class B Felony — Not less than 5 years and not to exceed 15 years in prison
 - Class C Felony — Not less than 3 years not to exceed 10 years and/or \$10,000 fine
 - Class D Felony — up to 7 years in prison and/or \$10,000 fine
 - Class E Felony — up to 4 years in prison and/or \$10,000 fine
- Sentences may be ordered to be served Concurrently (in an overlapping manner) or Consecutively (one after the other).

BAC Chemical Test Refusal

License revoked for 365 days.

Criminal Prosecution Process

Misdemeanor/Felony Charge:

First Appearance/Arraignment – The defendant is formally notified of the charges filed, advised of his or her rights, and bail is set. If the defendant cannot afford an attorney, a public defender is appointed by the court to represent the defendant.

Pretrial Hearing – At the pretrial hearing, the case is formally set for trial on a specific date. Often a plea agreement is offered and discussed at this time. The defendant may plead guilty and proceed to sentencing.

Trial – At the trial both the prosecutor and the defense attorney are put to the test of presenting their case before a judge or a jury. The judge or jury will then review the evidence they have heard and make a decision of guilty or not guilty. The prosecutor must prove the defendant guilty beyond a reasonable doubt.

Sentencing – If the defendant pleads guilty or is found guilty following a trial, the judge will order a sentencing assessment report (SAR). The SAR will include the defendant's criminal history and personal background. The individual conducting the SAR (usually a probation officer) will contact the victim(s) of the crime to determine how they have been impacted by the defendant's actions. The SAR enables the judge to learn more about the defendant so he or she is better able to impose the proper sentence.

After the SAR has been completed, the defendant goes before the judge for sentencing. The victim(s) may attend the sentencing and will be given the opportunity to express how the crime has affected them, and what sentence they feel would be appropriate. This is known as a Victim Impact Statement. The victim may also request that the court order the defendant to pay restitution for any monetary loss caused by the defendant's crime. If the victim chooses not to attend the sentencing, his or her input may be sent to the judge in the form of a letter which should be submitted to the prosecutor's office.

The judge can only impose a sentence that falls within the boundaries of state law or the Missouri sentencing guidelines. Keeping those boundaries in mind and weighing all the facts of the case, the judge then sentences the defendant.

Victim Impact Statement

In Missouri, every crime victim is entitled to inform the officials in the criminal justice system of how the crime has impacted their life in the form of a Victim Impact Statement. The Victim Impact Statement, which is done before sentencing, helps to empower the victim by allowing him or her to speak on their own or their loved one's behalf, convey the crime's harm to the defendant and to the court, and provide information to the sentencing judge.

Judges remain bias-free until a verdict is reached. Failure to do so may be grounds for mistrial or dismissal of the case. Under most circumstances, a victim should not contact a judge. However, after the case has been adjudicated and prior to sentencing, a Victim Impact Statement is allowed and provides insight for the judge.

The Victim Impact Statement should follow the parameters set by the court or the prosecutor. It may be presented orally or in written format and include pictures or visual aids. Either the victim or the victim's representative of choice may present the Victim Impact Statement. The prepared statement should be given to the prosecuting attorney for review and early placement into the court record. Doing so makes the statement available to the court should the defendant plead guilty and be sentenced immediately. The statement may be amended by the victim at any time before sentencing.

Many people will have access to the Victim Impact Statement (judge, prosecutor, defendant, defendant's attorney, and other criminal justice professionals). Concerns regarding this should be addressed to the prosecutor. Remember: Do not reveal any unnecessary identifying information that you do not wish to be disclosed via court records.

After the case is over, send a copy of the final Victim Impact Statement to the Department of Corrections for inclusion in the offender's file. This ensures that the statement follows the offender through incarceration and is read by the Parole Board at each parole hearing.

Important elements of an effective Victim Impact Statement:

- Begin preparing your statement early, it can be difficult to write.
- Without retrying the case, illustrate how an 'actual person' was harmed by the crime.

- Share details about who the victim was and the human consequences of the offender's actions.
- Request that the judge consider the full impact of the crime and provide what consequences you think are appropriate.

Additionally, the Division of Probation and Parole will make a recommendation to the court regarding the sentencing of the defendant if he or she has been found guilty. This is called a Sentencing Assessment Report. Victims may participate in this report, which provides the official completing the report with the victim's thoughts about the case and sentencing. The official may request a copy of the Victim Impact Statement to be included in their report.

Resource Directory

Victim Assistance Programs & Resources

MADD, National Office	
Dallas, Texas.....	(214) 744-6233 (877) MADD-HELP (877) 623-3435
MADD, Missouri State Office	
St. Louis.....	(314) 426-1595 (800) 736-6233
MADD, Central Missouri	
Victim Assistance, Jefferson City.....	(573) 636-2460
MADD, Heartland	
Kansas City.....	(816) 318-4515
MADD, Ozark Mountain	
Springfield.....	(417) 831-3868
Annie's Hope (Grief Support for Children)	(314) 965-5015
Crime Victim Center	
St. Louis.....	(314) 652-3623
Crime Victims' Compensation Fund	
Jefferson City.....	(573) 526-6006 (800) 347-6881
Department of Corrections, Office Of Victim Services	
Jefferson City.....	(573) 526-6516
Department of Public Safety, Crime Victim Services Unit	
Jefferson City.....	(866) 334-6682
Department of Revenue (Driver License Records)	
Jefferson City.....	(573) 751-4475
Missouri Attorney General, Crime Victim Advocate	
Jefferson City.....	(573) 751-0309
Missouri State Highway Patrol, Filling a V.O.I.D. (Victims Of Impaired Drivers)	
Jefferson City.....	(573) 526-6372 (888) 773-1800

Missouri State Highway Patrol Troop Headquarters

- General Headquarters, Jefferson City (573) 751-3313
- Troop A Lee’s Summit..... (816) 622-0800
- Troop B Macon (660) 385-2132
- Troop C Weldon Spring..... (636) 300-2800
- Troop D Springfield..... (417) 895-6868
- Troop E Poplar Bluff..... (573) 840-9500
- Troop F Jefferson City..... (573) 751-1000
- Troop G Willow Springs..... (417) 469-3121
- Troop H St. Joseph..... (816) 387-2345
- Troop I Rolla..... (573) 368-2345

SIDRAN Institute (Trauma Resource Specialists) (410) 825-8888

The Compassionate Friends (Grief Support for Adults) .. (877) 969-0010

The Dougy Center (Grief Support For Children) (866) 775-5683
(503) 775-5683

The Victim Center

- Springfield..... (417) 863-7273
(800) 743-5265
- 24-hr Hotline (417) 864-7233

Missouri Prosecuting Attorney Offices

Prosecutor’s Office	City	Phone
Adair County.....	Kirksville	(660) 627-3625
Andrew County	Savannah.....	(816) 324-3535
Atchison County.....	Rock Port.....	(660) 744-5440
Audrain County	Mexico.....	(573) 473-5860
Barry County.....	Cassville	(417) 847-3133
Barton County.....	Lamar	(417) 682-6061
Bates County	Butler.....	(660) 679-4030
Benton County.....	Warsaw.....	(660) 438-5022
Bollinger County.....	Marble Hill.....	(573) 238-2641
Boone County.....	Columbia.....	(573) 886-4100
Buchanan County.....	St. Joseph.....	(816) 271-1480
Butler County	Poplar Bluff.....	(573) 686-8060
Caldwell County	Kingston.....	(816) 586-2511
Callaway County.....	Fulton	(573) 642-0714
Camden County.....	Camdenton.....	(573) 317-3910
Cape Girardeau County.....	Jackson.....	(573) 243-2430
Carroll County.....	Carrollton.....	(660) 542-0323
Carter County	Van Buren	(573) 323-8480
Cass County.....	Harrisonville.....	(816) 380-8250
Cedar County	Stockton	(417) 276-6700

Chariton County.....	Keytesville.....	(660)	288-3275
Christian County.....	Ozark.....	(417)	581-7915
Clark County.....	Kahoka.....	(660)	727-2616
Clay County.....	Liberty.....	(816)	736-8300
Clinton County.....	Plattsburg.....	(816)	539-3711
Cole County.....	Jefferson City.....	(573)	634-9180
Cooper County.....	Boonville.....	(660)	882-7577
Crawford County.....	Steelville.....	(573)	775-5010
Dade County.....	Greenfield.....	(417)	637-2121
Dallas County.....	Buffalo.....	(417)	345-5644
Daviess County.....	Gallatin.....	(660)	663-4129
DeKalb County.....	Maysville.....	(816)	449-2279
Dent County.....	Salem.....	(573)	729-3406
Douglas County.....	Ava.....	(417)	683-2919
Dunklin County.....	Kennett.....	(573)	888-6676
Franklin County.....	Union.....	(636)	583-6370
Gasconade County.....	Hermann.....	(573)	486-2173
Gentry County.....	Albany.....	(660)	726-3844
Greene County.....	Springfield.....	(417)	868-4061
Grundy County.....	Trenton.....	(660)	359-4888
Harrison County.....	Bethany.....	(660)	425-6423
Henry County.....	Clinton.....	(660)	885-7221
Hickory County.....	Hermitage.....	(417)	745-6413
Holt County.....	Oregon.....	(660)	446-3326
Howard County.....	Fayette.....	(660)	248-3005
Howell County.....	West Plains.....	(417)	256-2317
Iron County.....	Ironton.....	(573)	546-2333
Jackson County.....	Kansas City.....	(816)	881-3555
Jasper County.....	Joplin.....	(417)	625-4314
Jefferson County.....	Hillsboro.....	(636)	797-5321
Johnson County.....	Warrensburg.....	(660)	422-7400
Kansas City.....	Kansas City.....	(816)	513-6750
Knox County.....	Edina.....	(660)	397-2658
Laclede County.....	Lebanon.....	(417)	532-3149
Lafayette County.....	Lexington.....	(660)	259-6181
Lawrence County.....	Mt. Vernon.....	(417)	466-2846
Lewis County.....	Monticello.....	(573)	767-5478
Lincoln County.....	Troy.....	(636)	528-8571
Linn County.....	Linneus.....	(660)	895-5589
Livingston County.....	Chillicothe.....	(660)	646-8000
Macon County.....	Macon.....	(660)	385-2175
Madison County.....	Fredericktown.....	(573)	783-2157
Maries County.....	Vienna.....	(573)	422-3396
Marion County.....	Hannibal.....	(573)	221-0146
McDonald County.....	Pineville.....	(417)	223-4142
Mercer County.....	Princeton.....	(660)	748-3332

Miller County	Tuscumbia	(573) 369-1940
Mississippi County.....	Charleston.....	(573) 683-2146
Moniteau County.....	California.....	(573) 796-3220
Monroe County	Paris.....	(877) 433-3061
Montgomery County	Montgomery City.....	(573) 564-2252
Morgan County	Versailles	(573) 378-4694
New Madrid County	New Madrid.....	(573) 748-5144
Newton County.....	Neosho	(417) 451-8244
Nodaway County	Maryville.....	(660) 582-8285
Oregon County.....	Alton	(417) 778-7616
Osage County	Linn.....	(573) 897-3101
Ozark County	Gainesville.....	(417) 679-4649
Pemiscot County	Caruthersville.....	(573) 333-2738
Perry County.....	Perryville	(573) 547-1023
Pettis County	Sedalia	(660) 826-5000
Phelps County	Rolla.....	(573) 458-6170
Pike County	Bowling Green.....	(573) 324-2201
Platte County	Platte City.....	(816) 858-3476
Polk County	Bolivar	(417) 326-5756
Pulaski County	Waynesville	(573) 774-4770
Putnam County.....	Unionville.....	(660) 947-7301
Ralls County.....	New London	(573) 985-5681
Randolph County.....	Moberly.....	(660) 263-6390
Ray County.....	Richmond.....	(816) 776-2882
Reynolds County	Centerville	(573) 648-2494
Ripley County	Doniphan.....	(573) 996-2138
St. Charles County	St. Charles.....	(636) 949-7355
St. Clair County	Osceola.....	(417) 646-2512
St. Francois County.....	Farmington	(573) 756-1955
St. Louis City.....	St. Louis.....	(314) 622-4941
St. Louis County	Clayton	(314) 615-2610
Ste. Genevieve County.....	Ste. Genevieve	(573) 883-2791
Saline County.....	Marshall	(660) 886-9608
Schuyler County.....	Lancaster.....	(660) 956-9359
Scotland County	Memphis	(660) 465-7753
Scott County	Benton	(573) 545-3562
Shannon County.....	Eminence	(573) 226-3714
Shelby County	Shelbyville.....	(573) 633-2131
Stoddard County	Bloomfield.....	(573) 568-4640
Stone County	Galena.....	(417) 357-6137
Sullivan County	Milan.....	(660) 265-4712
Taney County	Forsyth	(417) 546-7260
Texas County.....	Houston.....	(417) 967-2029
Vernon County	Nevada.....	(417) 667-4862
Warren County.....	Warrenton.....	(636) 456-7024
Washington County	Potosi.....	(573) 438-3181

Wayne County	Greenville.....	(573) 224-5600
Webster County	Marshfield.....	(417) 859-0214
Worth County	Grant City.....	(660) 564-3535
Wright County	Hartville	(417) 741-6166

Understanding Grief

Nothing in life is more painful than the violent and senseless death of a loved one. People have grieved for as long as there has been life, but grief is still not fully understood.

Researchers have been able to identify predictable stages of grief, but there is no universal law describing how one should or should not react to death. Each person grieves differently, yet not so differently that he or she cannot find fellowship with others who are suffering.

Understanding more about the uniqueness of your grief will not change how you feel about your loved one. You may feel more angry than you have ever felt and sadder than you thought possible. You may have frightening thoughts. You may do strange things. You may be afraid that you are “going crazy”.

How you grieve depends on a number of things:

- The way you learned to cope with stress in your life before this tragedy;
- The quality of the relationship you had with the person who was killed;
- The circumstances under which your loved one was killed;
- Your religious beliefs and ethnic customs; and
- The emotional support you have from your family and friends while grieving.

Seek the support and understanding of others who have gone through the same kind of trauma. You and your family can benefit from the assistance of others. Call your MADD chapter or seek counselors who understand the grief that follows your kind of loss and trauma. You do not have to handle this alone. Grief support and assistance is available throughout Missouri. Please call MADD at (573) 636-2460 or 1-800-736-6233 for more information.

Children's Grief

How do children experience the death of someone they love? Do they experience the sadness that adults feel? What can children understand about death? These are common questions caretakers ask when helping children face the death of a loved one. Children go through many different levels of understanding death as they grow older.

In times of grief, children need additional love, support and structure in their lives. This is often when the family is least able to help.

Death is difficult for adults to understand and explain, and the misconception that children are not really affected by grief has kept us from giving our children the help they need. Children who do not receive help with grieving learn to repress and deny their feelings.

Even if children repress their feelings, their grief eventually surfaces. They get wiggly. Their grades slip. They pick at their food. They retreat to their rooms. They cry hysterically when someone accidentally bumps into them. Sometimes it is hard to recognize when children are grieving. Until fairly recently, the grieving process of children was not well understood.

Children do not necessarily "get over it" on their own. Neither do they always need lengthy psychiatric care. Grieving children have participated in grief support groups to help get in touch with their sadness, pain, and loneliness. It is helpful to meet others who are in similar situations. In support groups, children feel free to talk about their feelings and experiences.

In adulthood, children with unresolved grief often succumb to chemical dependency, have trouble with relationships and develop emotional disorders. Early intervention is the key to successful grief resolution. Children who are supported and encouraged soon become healthy and happy again.

Men's Grief

Men tell us that they suffer with lonely, suppressed grief. Men endure not only the psychological impact of losing a loved one, but the fear of losing their masculinity by openly expressing emotions.

We are taught to expect a man to be strong in a time of crisis, but the death of a loved one does not compare with other stressful emotions.

A man is entitled to express sorrow. It's a natural response for men to experience the same feelings of grief at the death of a loved one that women do. Anger, guilt, moroseness, anxiety, and frustration are all very real to men. Men tell us they try to hide these feelings lest they be considered weak.

Men are reluctant to seek counseling and admit they need help in dealing with their feelings. Society conditions men to always be in control, self-reliant, competitive, and dominant, which is greatly unjust.

Understanding the masculine stereotype is the first step in working through grief.

Glossary

Acquittal — A legal judgment, based on the decision of either a jury or a judge, that an accused is not guilty of the crime for which he or she has been charged and tried.

Adjudication — The judicial decision that ends a criminal proceeding by a judgment or acquittal, conviction, or dismissal of the case.

Administrative Suspension — Suspended license for BAC of .08 for at least 30 days before limited driving privileges are granted.

Aggravated Offender — A person who has been found guilty of (a) Three or more intoxication-related traffic offenses committed on separate occasions; or (b) Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed.

BAC (Blood Alcohol Content) — Excessive BAC does require a BAC of .08 under Section 577.012 RSMo. Under Section 577.010 RSMo., there is no legal limit for alcohol/drugs. A BAC of .08 is not required for arrest or conviction.

Bail — Money or property promised or given to the court as security when a defendant is released before and during his or her trial with the agreement that he or she will return to court when ordered to do so. Bail is forfeited if the defendant fails to return to court.

Beyond A Reasonable Doubt — The legal burden of proof required to affirm a conviction in a criminal case. The prosecution bears the burden of proving that the defendant is guilty beyond all reasonable doubt. This means that the prosecution must convince the jury that there is no other reasonable explanation that can come from the evidence presented at trial. The jury must be virtually certain of the defendant's guilt in order to render a guilty verdict. This standard of proof is much higher than the civil standard, called 'Preponderance of the Evidence' which only requires a certainty greater than 50 percent.

Charge — A formal accusation filed by the prosecutor's office that a specific person has committed a specific crime; also referred to as "pressing charges."

Chronic Offender — A person who has been found guilty of (a) Four or more intoxication-related traffic offenses committed on separate occasions; or (b) Three or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or (c) Two or more intoxication-related traffic offenses committed on separate occasions where both intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed.

Continuance — A delay or postponement of a court hearing. The case is said to be “continued” when it has been delayed or postponed.

Conviction — A judgment of the court, based on the decision of a jury or judge, that the defendant is guilty of the crime for which he or she has been tried.

Criminal Negligence — A person “acts with criminal negligence” or is criminally negligent when he or she fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

Defendant — A person who has been formally charged with committing a crime.

Defense Attorney — The lawyer who represents the defendant in a legal proceeding.

Dismissal — A decision by a judicial officer to end a case for legal or other reasons.

Disposition — The final judicial decision which ends a criminal proceeding by judgment of acquittal or dismissal or which sets the sentence if the defendant is convicted.

Felony — A serious crime for which the punishment is imprisonment, usually for one or more years.

Habitual Offender — A person who has been found guilty of (a) Five or more intoxication-related traffic offenses committed on separate occasions; or (b) Four or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county

or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or (c) Three or more intoxication-related traffic offenses committed on separate occasions where at least two of the intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed.

Hearing — A legal proceeding in which arguments, witnesses, and/or evidence are heard by a judicial officer or an administrative body.

Ignition Interlock Device — A device installed on a motor vehicle's dashboard which acts as a breathalyzer. Before the vehicle's motor can be started, the driver must exhale into the device. A programmed amount of breath-alcohol concentration prevents the engine from starting.

Implied Consent — If one is granted the privilege of possessing a driver's license, one has automatically given "implied consent" to submit to a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood (Section 577.020 RSMo.).

Intoxication-Related Traffic Offense — Driving while intoxicated; driving with excessive blood alcohol content; driving under the influence of alcohol or drugs in violation of a state law, county or municipal ordinance, any federal offense, or any military offense; or an offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed in violation of any state law, county, or municipal ordinance, any federal offense, or any military offense.

Limited Driving Privilege — The court or director of the Missouri Department of Revenue may grant limited driving privileges to someone if the court or director finds undue hardship would result to the individual because of the suspension/revocation. Usually, the limited driving privilege allows a person with a suspended/revoked license to drive for purposes of employment, school, alcohol treatment program, or pursuant to an ignition interlock device. Also referred to as a 'hardship license'.

Misdemeanor — A crime that is less serious than a felony and for which the punishment is usually imprisonment for one year or less, usually in a jail or other local facility.

Persistent Offender — A person who has been found guilty of (a) Two or more intoxication-related traffic offenses committed on separate occasions; or (b) One intoxication-related traffic offense committed in violation of any state law, county or municipal ordinance, federal offense, or military

offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed.

Personal Recognizance — The promise of an accused person to the court that he or she will return to the court when ordered to do so. The promise is given in exchange for release before and during his or her trial. Also referred to as ROR (released on own recognizance).

Plea — A defendant's formal answer of "guilty" or "not guilty" in court to the charge that he or she committed a crime.

Plea Agreement/Plea Negotiation — An agreement between the state and defendant wherein the defendant agrees to plead guilty under certain terms and conditions. Since both the state and the defendant risk losing everything should the case go to trial, plea agreements are a means to arrive at a reasonable disposition without the necessity of a trial. The victim has the right to be made aware of the plea agreement and to comment on the offer. All plea agreements are subject to the judge's approval.

Prior Offender — A person who has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

Probable Cause — The degree of proof needed to arrest and begin prosecution against a person suspected of committing a crime. The evidence must be such that a reasonable person would believe that the specific crime was committed and that it is probable the person being accused committed it.

Probation — Conditional freedom granted to an offender by the court after a conviction or a guilty plea. Requirements for the offender's behavior are set and the offender maybe supervised by the court or other agency or may be unsupervised. Also may be SIS or SES.

Prosecutor — An attorney for the community employed by a government agency to represent the interests of the general public in court proceedings against people accused of committing crimes. The prosecutor represents the state, not the victim.

Public Defender — An attorney employed by a government agency to represent defendants who are unable to hire private counsel.

Recklessness — A person "acts recklessly" or is reckless when he or she consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

Restitution — Payment made by a defendant to victims as reimbursement for monetary losses incurred as a result of a crime. Restitution is ordered by the court as part of sentencing. (Section 559.105 RSMo.)

Sentencing Assessment Report (SAR) — Usually conducted by a probation officer after a plea or verdict of guilty. It is done before sentencing to enable the judge to learn more about the defendant so that he or she is better able to impose a proper sentence. It includes information about the defendant's criminal history and personal background. The individual conducting the SAR will contact the victim(s) of the crime to determine how they have been impacted by the defendant's actions. Also, may be referred to as a pre-sentence investigation.

Special Victim — This designation includes a law enforcement officer; emergency personnel; paid or volunteer firefighter; emergency room, hospital, or trauma center personnel; emergency medical technician; probation/parole officer; jailer/corrections officer; an elderly, disabled, or vulnerable person; a highway worker in a construction or work zone; and any utility worker, cable worker, or employee of a mass transit system injured or assaulted while in the performance of his or her official duties.

Subpoena — A court order requiring a person to appear in court and give testimony.

Suspended Execution of Sentence — A sentencing option available to the trial court. In SES, the defendant is placed on probation with an incarceration amount preset in case of revocation. The judge can execute that sentence if the probation is revoked. An SES is a conviction for all purposes. The conviction **will appear on the record** at the end of the probationary period even when the probation is completed successfully. An SES only avoids jail time and carries all the other penalties.

Suspended Imposition of Sentence — A probation in which the defendant pleads guilty to or is found guilty of a criminal offense, and then is placed on SIS probation for a fixed period of time. Once the offender successfully completes the probationary period with no new criminal charges and completes all the probation requirements, an SIS **will not result in a conviction appearing** on a criminal record.

Victim Impact Statement — Prior to sentencing any defendant, the court shall consider the victim's impact statement in determining the appropriate sentence and in entering any order of restitution to the victim. A victim impact statement shall - 1) Identify the victim of the offense; 2) Itemize any economic loss suffered by the victim as a result of the offense; 3) Identify any physical injury suffered by the victim as a result of the offense, along with its seriousness and permanence; 4) Describe any change in the victim's personal welfare or familial relationships as a

result of the offense; 5) Identify any request for psychological services initiated by the victim or the victim's family as a result of the offense; and 6) Contain any other information related to the impact of the offense upon the victim. (Section 217.762 RSMo.)

Crime Victim Hotline

1-888-773-1800

Missouri State Highway Patrol

Filling a V.O.I.D. (Victims Of Impaired Drivers)
Jefferson City (573) 526-6372

MADD Missouri State

Victim Assistance
St. Louis (800) 736-6233
24-hr National Help Line (877) 623-3435



This publication was produced by the
Public Information and Education Division

Published by:

Missouri State Highway Patrol

1510 E. Elm St.

Jefferson City, MO 65101

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