

HOUSE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NOS. 1020, 889 & 869

1 AN ACT

2 To repeal sections 493.050, 610.010, 610.011,  
3 610.020, 610.021, 610.022, 610.023, 610.026,  
4 610.027, 610.029, 610.100, and 610.200, RSMo,  
5 and to enact in lieu thereof fourteen new  
6 sections relating to public records, with an  
7 emergency clause for a certain section.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
9 AS FOLLOWS:

10 Section A. Sections 493.050, 610.010, 610.011, 610.020,  
11 610.021, 610.022, 610.023, 610.026, 610.027, 610.029, 610.100,  
2 and 610.200, RSMo, are repealed and fourteen new sections enacted  
3 in lieu thereof, to be known as sections 493.050, 610.010,  
4 610.011, 610.020, 610.021, 610.022, 610.023, 610.025, 610.026,  
5 610.027, 610.029, 610.100, 610.200, and 1, to read as follows:

6 493.050. 1. All public advertisements and orders of  
7 publication required by law to be made and all legal publications  
8 affecting the title to real estate, shall be published in some  
9 daily, triweekly, semiweekly or weekly newspaper of general

2 circulation in the county where located and which shall have been  
3 admitted to the post office as periodicals class matter in the  
4 city of publication; shall have been published regularly and  
5 consecutively for a period of three years, except that a  
6 newspaper of general circulation may be deemed to be the  
7 successor to a defunct newspaper of general circulation, and  
8 subject to all of the rights and privileges of said prior  
9 newspaper under this statute, if the successor newspaper shall  
10 begin publication no later than thirty consecutive days after the  
11 termination of publication of the prior newspaper; shall have a  
12 list of bona fide subscribers voluntarily engaged as such, who  
13 have paid or agreed to pay a stated price for a subscription for  
14 a definite period of time; provided, that when a public notice,  
15 required by law, to be published once a week for a given number  
16 of weeks, shall be published in a daily, triweekly, semiweekly or  
17 weekly newspaper, the notice shall appear once a week, on the  
18 same day of each week, and further provided, that every affidavit  
19 to proof of publication shall state that the newspaper in which  
20 such notice was published has complied with the provisions of  
21 this section; provided further, that the duration of consecutive  
22 publication provided for in this section shall not affect  
23 newspapers which have become legal publications prior to  
24 September 6, 1937; provided, however, that when any newspaper  
25 shall be forced to suspend publication in any time of war, due to  
26 the owner or publisher being inducted into the armed forces of

2 the United States, the newspaper may be reinstated within one  
3 year after actual hostilities have ceased, with all the benefits  
4 provided pursuant to the provisions of this section, upon the  
5 filing with the secretary of state of notice of intention of such  
6 owner or publisher, the owner's surviving spouse or legal heirs,  
7 to republish such newspaper, setting forth the name of the  
8 publication, its volume and number, its frequency of publication,  
9 and its readmission to the post office where it was previously  
10 entered as periodicals class mail matter, and when it shall have  
11 a list of bona fide subscribers voluntarily engaged as such who  
12 have paid or agreed to pay a stated price for subscription for a  
13 definite period of time. All laws or parts of laws in conflict  
14 with this section except sections 493.070 to 493.120, are hereby  
15 repealed.

16 2. If a county is served by only one newspaper that has  
17 been published regularly and consecutively for a period of two  
18 years and that meets all other publication, postal, and  
19 subscription requirements under subsection 1 of this section,  
20 that newspaper shall be qualified to publish all public  
21 advertisements and orders of publication required by law, and all  
22 legal publications affecting the title to real estate. This  
23 subsection shall expire on June 30, 2006.

24 610.010. As used in [sections 610.010 to 610.030 and  
25 sections 610.100 to 610.150] this chapter, unless the context  
26 otherwise indicates, the following terms mean:

2 (1) "Closed meeting", "closed record", or "closed vote",  
3 any meeting, record or vote closed to the public;

4 (2) "Copying", if requested by a member of the public,  
5 copies provided as detailed in section 610.026, if duplication  
6 equipment is available;

7 (3) "Public business", all matters which relate in any way  
8 to the performance of the public governmental body's functions or  
9 the conduct of its business;

10 (4) "Public governmental body", any legislative,  
11 administrative or governmental entity created by the constitution  
12 or statutes of this state, by order or ordinance of any political  
13 subdivision or district, judicial entities when operating in an  
14 administrative capacity, or by executive order, including:

15 (a) Any body, agency, board, bureau, council, commission,  
16 committee, board of regents or board of curators or any other  
17 governing body of any institution of higher education, including  
18 a community college, which is supported in whole or in part from  
19 state funds, including but not limited to the administrative  
20 entity known as "The Curators of the University of Missouri" as  
21 established by section 172.020, RSMo;

22 (b) Any advisory committee or commission appointed by the  
23 governor by executive order;

24 (c) Any department or division of the state, of any  
25 political subdivision of the state, of any county or of any  
26 municipal government, school district or special purpose district

2 including but not limited to sewer districts, water districts,  
3 and other subdistricts of any political subdivision;

4 (d) Any other legislative or administrative governmental  
5 deliberative body under the direction of three or more elected or  
6 appointed members having rulemaking or quasi-judicial power;

7 (e) Any committee appointed by or at the direction of any  
8 of the entities and which is authorized to report to any of the  
9 above-named entities, any advisory committee appointed by or at  
10 the direction of any of the named entities for the specific  
11 purpose of recommending, directly to the public governmental  
12 body's governing board or its chief administrative officer,  
13 policy or policy revisions or expenditures of public funds  
14 including, but not limited to, entities created to advise  
15 bi-state taxing districts regarding the expenditure of public  
16 funds, or any policy advisory body, policy advisory committee or  
17 policy advisory group appointed by a president, chancellor or  
18 chief executive officer of any college or university system or  
19 individual institution at the direction of the governing body of  
20 such institution which is supported in whole or in part with  
21 state funds for the specific purpose of recommending directly to  
22 the public governmental body's governing board or the president,  
23 chancellor or chief executive officer policy, policy revisions or  
24 expenditures of public funds provided, however, the staff of the  
25 college or university president, chancellor or chief executive  
26 officer shall not constitute such a policy advisory committee.

2 The custodian of the records of any public governmental body  
3 shall maintain a list of the policy advisory committees described  
4 in this subdivision; [and]

5 (f) Any quasi-public governmental body. The term  
6 "quasi-public governmental body" means any person, corporation or  
7 partnership organized or authorized to do business in this state  
8 pursuant to the provisions of chapter 352, 353, or 355, RSMo, or  
9 unincorporated association which either:

10 a. Has as its primary purpose to enter into contracts with  
11 public governmental bodies, or to engage primarily in activities  
12 carried out pursuant to an agreement or agreements with public  
13 governmental bodies; or

14 b. Performs a public function as evidenced by a statutorily  
15 based capacity to confer or otherwise advance, through approval,  
16 recommendation or other means, the allocation or issuance of tax  
17 credits, tax abatement, public debt, tax-exempt debt, rights of  
18 eminent domain, or the contracting of leaseback agreements on  
19 structures whose annualized payments commit public tax revenues;  
20 or any association that directly accepts the appropriation of  
21 money from a public governmental body, but only to the extent  
22 that a meeting, record, or vote relates to such appropriation;  
23 and

24 (g) Any bi-state development agency established pursuant to  
25 section 70.370, RSMo;

26 (5) "Public meeting", any meeting of a public governmental

2 body subject to sections 610.010 to 610.030 at which any public  
3 business is discussed, decided, or public policy formulated,  
4 whether [corporeal or] such meeting is conducted in person or by  
5 means of communication equipment, including, but not limited to,  
6 conference call, video conference, internet chat, or internet  
7 message board. The term "public meeting" shall not include an  
8 informal gathering of members of a public governmental body for  
9 ministerial or social purposes when there is no intent to avoid  
10 the purposes of this chapter, but the term shall include a public  
11 vote of all or a majority of the members of a public governmental  
12 body, by electronic communication or any other means, conducted  
13 in lieu of holding a public meeting with the members of the  
14 public governmental body gathered at one location in order to  
15 conduct public business;

16 (6) "Public record", any record, whether written or  
17 electronically stored, retained by or of any public governmental  
18 body including any report, survey, memorandum, or other document  
19 or study prepared and presented to the public governmental body  
20 by a consultant or other professional service paid for in whole  
21 or in part by public funds, including records created or  
22 maintained by private contractors under an agreement with a  
23 public governmental body or on behalf of a public governmental  
24 body; provided, however, that personally identifiable student  
25 records maintained by public educational institutions shall be  
26 open for inspection by the parents, guardian or other custodian

2 of students under the age of eighteen years and by the parents,  
3 guardian or other custodian and the student if the student is  
4 over the age of eighteen years. The term "public record" shall  
5 not include any internal memorandum or letter received or  
6 prepared by or on behalf of a member of a public governmental  
7 body consisting of advice, opinions and recommendations in  
8 connection with the deliberative decision-making process of said  
9 body, unless such records are retained by the public governmental  
10 body or presented at a public meeting;

11 (7) "Public vote", any vote, whether conducted in person,  
12 by telephone, or by any other electronic means, cast at any  
13 public meeting of any public governmental body.

14 610.011. 1. It is the public policy of this state that  
15 meetings, records, votes, actions, and deliberations of public  
16 governmental bodies be open to the public unless otherwise  
17 provided by law. Sections 610.010 to [610.028] 610.200 shall be  
18 liberally construed and their exceptions strictly construed to  
19 promote this public policy.

20 2. Except as otherwise provided by law, all public meetings  
21 of public governmental bodies shall be open to the public as set  
22 forth in section 610.020, all public records of public  
23 governmental bodies shall be open to the public for inspection  
24 and copying as set forth in sections 610.023 to 610.026, and all  
25 public votes of public governmental bodies shall be recorded as  
26 set forth in section 610.015.



2           610.020. 1. All public governmental bodies shall give  
3 notice of the time, date, and place of each meeting, and its  
4 tentative agenda, in a manner reasonably calculated to advise the  
5 public of the matters to be considered, and if the meeting will  
6 be conducted by telephone or other electronic means, the notice  
7 of the meeting shall identify the mode by which the meeting will  
8 be conducted and the designated location where the public may  
9 observe and attend the meeting. If a public body plans to meet  
10 by internet chat, internet message board, or other computer link,  
11 it shall post a notice of the meeting on its website in addition  
12 to its principal office and shall notify the public how to access  
13 that meeting. Reasonable notice shall include making available  
14 copies of the notice to any representative of the news media who  
15 requests notice of meetings of a particular public governmental  
16 body concurrent with the notice being made available to the  
17 members of the particular governmental body and posting the  
18 notice on a bulletin board or other prominent place which is  
19 easily accessible to the public and clearly designated for that  
20 purpose at the principal office of the body holding the meeting,  
21 or if no such office exists, at the building in which the meeting  
22 is to be held.

23           2. Notice conforming with all of the requirements of  
24 subsection 1 of this section shall be given at least twenty-four  
25 hours, exclusive of weekends and holidays when the facility is  
26 closed, prior to the commencement of any meeting of a

2 governmental body unless for good cause such notice is impossible  
3 or impractical, in which case as much notice as is reasonably  
4 possible shall be given. Each meeting shall be held at a place  
5 reasonably accessible to the public and of sufficient size to  
6 accommodate the anticipated attendance by members of the public,  
7 and at a time reasonably convenient to the public, unless for  
8 good cause such a place or time is impossible or impractical.

9 [At any public meeting conducted by telephone or other electronic  
10 means, the public shall be allowed to observe and attend the  
11 public meeting at a designated location identified in the notice  
12 of the meeting.] Every reasonable effort shall be made to grant  
13 special access to the meeting to handicapped or disabled  
14 individuals.

15 3. A public body shall allow for the recording by  
16 audiotape, videotape, or other electronic means of any open  
17 meeting. A public body may establish guidelines regarding the  
18 manner in which such recording is conducted so as to minimize  
19 disruption to the meeting.

20 [3.] 4. When it is necessary to hold a meeting on less than  
21 twenty-four hours' notice, or at a place that is not reasonably  
22 accessible to the public, or at a time that is not reasonably  
23 convenient to the public, the nature of the good cause justifying  
24 that departure from the normal requirements shall be stated in  
25 the minutes.

26 [4.] 5. A formally constituted subunit of a parent

2 governmental body may conduct a meeting without notice as  
3 required by this section during a lawful meeting of the parent  
4 governmental body, a recess in that meeting, or immediately  
5 following that meeting, if the meeting of the subunit is publicly  
6 announced at the parent meeting and the subject of the meeting  
7 reasonably coincides with the subjects discussed or acted upon by  
8 the parent governmental body.

9 [5.] 6. If another provision of law requires a manner of  
10 giving specific notice of a meeting, hearing or an intent to take  
11 action by a governmental body, compliance with that section shall  
12 constitute compliance with the notice requirements of this  
13 section.

14 [6.] 7. A journal or minutes of open and closed meetings  
15 shall be taken and retained by the public governmental body,  
16 including, but not limited to, a record of any votes taken at  
17 such meeting. The minutes shall include the date, time, place,  
18 members present, members absent and a record of any votes taken.  
19 When a roll call vote is taken, the minutes shall attribute each  
20 "yea" and "nay" vote or abstinence if not voting to the name of  
21 the individual member of the public governmental body.

22 610.021. Except to the extent disclosure is otherwise  
23 required by law, a public governmental body is authorized to  
24 close meetings, records and votes, to the extent they relate to  
25 the following:

26 (1) Legal actions, causes of action or litigation involving

2 a public governmental body and any confidential or privileged  
3 communications between a public governmental body or its  
4 representatives and its attorneys. However, any minutes, vote or  
5 settlement agreement relating to legal actions, causes of action  
6 or litigation involving a public governmental body or any agent  
7 or entity representing its interests or acting on its behalf or  
8 with its authority, including any insurance company acting on  
9 behalf of a public government body as its insured, shall be made  
10 public upon final disposition of the matter voted upon or upon  
11 the signing by the parties of the settlement agreement, unless,  
12 prior to final disposition, the settlement agreement is ordered  
13 closed by a court after a written finding that the adverse impact  
14 to a plaintiff or plaintiffs to the action clearly outweighs the  
15 public policy considerations of section 610.011, however, the  
16 amount of any moneys paid by, or on behalf of, the public  
17 governmental body shall be disclosed; provided, however, in  
18 matters involving the exercise of the power of eminent domain,  
19 the vote shall be announced or become public immediately  
20 following the action on the motion to authorize institution of  
21 such a legal action. Legal work product shall be considered a  
22 closed record;

23 (2) Leasing, purchase or sale of real estate by a public  
24 governmental body where public knowledge of the transaction might  
25 adversely affect the legal consideration therefor. However, any  
26 minutes, vote or public record approving a contract relating to

2 the leasing, purchase or sale of real estate by a public  
3 governmental body shall be made public [within seventy-two hours  
4 after] upon execution of the lease, purchase or sale of the real  
5 estate;

6 (3) Hiring, firing, disciplining or promoting of particular  
7 employees by a public governmental body when personal information  
8 about the employee is discussed or recorded. However, any vote  
9 on a final decision, when taken by a public governmental body, to  
10 hire, fire, promote or discipline an employee of a public  
11 governmental body [must] shall be made available with a record of  
12 how each member voted to the public within seventy-two hours of  
13 the close of the meeting where such action occurs; provided,  
14 however, that any employee so affected shall be entitled to  
15 prompt notice of such decision during the seventy-two-hour period  
16 before such decision is made available to the public. As used  
17 in this subdivision, the term "personal information" means  
18 information relating to the performance or merit of individual  
19 employees;

20 (4) The state militia or national guard or any part  
21 thereof;

22 (5) Nonjudicial mental or physical health proceedings  
23 involving identifiable persons, including medical, psychiatric,  
24 psychological, or alcoholism or drug dependency diagnosis or  
25 treatment;

26 (6) Scholastic probation, expulsion, or graduation of

2 identifiable individuals, including records of individual test or  
3 examination scores; however, personally identifiable student  
4 records maintained by public educational institutions shall be  
5 open for inspection by the parents, guardian or other custodian  
6 of students under the age of eighteen years and by the parents,  
7 guardian or other custodian and the student if the student is  
8 over the age of eighteen years;

9 (7) Testing and examination materials, before the test or  
10 examination is given or, if it is to be given again, before so  
11 given again;

12 (8) Welfare cases of identifiable individuals;

13 (9) Preparation, including any discussions or work product,  
14 on behalf of a public governmental body or its representatives  
15 for negotiations with employee groups;

16 (10) Software codes for electronic data processing and  
17 documentation thereof;

18 (11) Specifications for competitive bidding, until either  
19 the specifications are officially approved by the public  
20 governmental body or the specifications are published for bid;

21 (12) Sealed bids and related documents, until the bids are  
22 opened; and sealed proposals and related documents or any  
23 documents related to a negotiated contract until a contract is  
24 executed, or all proposals are rejected;

25 (13) Individually identifiable personnel records,  
26 performance ratings or records pertaining to employees or

2 applicants for employment, except that this exemption shall not  
3 apply to the names, positions, salaries, hours worked, vacation  
4 leave used, and lengths of service of officers and employees of  
5 public agencies once they are employed as such, and the names of  
6 private sources donating or contributing money to the salary of a  
7 chancellor or president at all public colleges and universities  
8 in the state of Missouri and the amount of money contributed by  
9 the source;

10 (14) Records which are protected from disclosure by law;

11 (15) Meetings and public records relating to scientific and  
12 technological innovations in which the owner has a proprietary  
13 interest;

14 (16) Records relating to municipal hot lines established  
15 for the reporting of abuse and wrongdoing;

16 (17) Confidential or privileged communications between a  
17 public governmental body and its auditor, including all auditor  
18 work product; however, all final audit reports issued by the  
19 auditor are to be considered open records pursuant to this  
20 chapter;

21 (18) [A municipal utility receiving a public records  
22 request for information about existing or proposed security  
23 systems and structural plans of real property owned or leased by  
24 the municipal utility, the public disclosure of which would  
25 threaten public safety, shall within three business days act upon  
26 such public records request, pursuant to section 610.023.

2 Records related to the procurement of or expenditures relating to  
3 security systems shall be open except to the extent provided in  
4 this section;] Operational guidelines and policies developed,  
5 adopted, or maintained by any public agency responsible for law  
6 enforcement, public safety, first response, or public health for  
7 use in responding to or preventing any critical incident which is  
8 or appears to be terrorist in nature and which has the potential  
9 to endanger individual or public safety or health. Nothing in  
10 this exception shall be deemed to close information regarding  
11 expenditures, purchases, or contracts made by an agency in  
12 implementing these guidelines or policies. When seeking to close  
13 information pursuant to this exception, the agency shall  
14 affirmatively state in writing that disclosure would impair its  
15 ability to protect the safety or health of persons, and shall in  
16 the same writing state that the public interest in nondisclosure  
17 outweighs the public interest in disclosure of the records. This  
18 exception shall sunset on December 31, 2008;

19 (19) Existing or proposed security systems and structural  
20 plans of real property owned or leased by a public governmental  
21 body, and information that is voluntarily submitted by a non-  
22 public entity owning or operating an infrastructure to any public  
23 governmental body for use by that body to devise plans for  
24 protection of that infrastructure, the public disclosure of which  
25 would threaten public safety[.];

26 (a) Records related to the procurement of or expenditures



2 relating to security systems purchased with public funds shall be  
3 open [except to the extent provided in this section.];

4 (b) When seeking to close information pursuant to this  
5 exception, the public governmental body shall affirmatively state  
6 in writing that disclosure would impair the public governmental  
7 body's ability to protect the security or safety of persons or  
8 real property, and shall in the same writing state that the  
9 public interest in nondisclosure outweighs the public interest in  
10 disclosure of the records[.];

11 (c) Records that are voluntarily submitted by a nonpublic  
12 entity shall be reviewed by the receiving agency within ninety  
13 days of submission to determine if retention of the document is  
14 necessary in furtherance of a state security interest. If  
15 retention is not necessary, the documents shall be returned to  
16 the nonpublic governmental body or destroyed;

17 (d) This exception shall sunset on December 31, [2006]  
18 2008;

19 (20) Records that identify the configuration of components  
20 or the operation of a computer, computer system, computer  
21 network, or telecommunications network, and would allow  
22 unauthorized access to or unlawful disruption of a computer,  
23 computer system, computer network, or telecommunications network  
24 of a public governmental body. This exception shall not be used  
25 to limit or deny access to otherwise public records in a file,  
26 document, data file or database containing public records.

2 Records related to the procurement of or expenditures relating to  
3 such computer, computer system, computer network, or  
4 telecommunications network, including the amount of moneys paid  
5 by, or on behalf of, a public governmental body for such  
6 computer, computer system, computer network, or  
7 telecommunications network shall be open [except to the extent  
8 provided in this section]; and

9 (21) Credit card numbers, personal identification numbers,  
10 digital certificates, physical and virtual keys, access codes or  
11 authorization codes that are used to protect the security of  
12 electronic transactions between a public governmental body and a  
13 person or entity doing business with a public governmental body.  
14 Nothing in this section shall be deemed to close the record of a  
15 person or entity using a credit card held in the name of a public  
16 governmental body or any record of a transaction made by a person  
17 using a credit card or other method of payment for which  
18 reimbursement is made by a public governmental body.

19 610.022. 1. Except as set forth in subsection 2 of this  
20 section, no meeting or vote may be closed without an affirmative  
21 public vote of the majority of a quorum of the public  
22 governmental body. The vote of each member of the public  
23 governmental body on the question of closing a public meeting or  
24 vote and the specific reason for closing that public meeting or  
25 vote by reference to a specific section of this chapter shall be  
26 announced publicly at an open meeting of the governmental body

2 and entered into the minutes.

3 2. A public governmental body proposing to hold a closed  
4 meeting or vote shall give notice of the time, date and place of  
5 such closed meeting or vote and the reason for holding it by  
6 reference to the specific exception allowed pursuant to the  
7 provisions of section 610.021. Such notice shall comply with the  
8 procedures set forth in section 610.020 for notice of a public  
9 meeting.

10 3. Any meeting or vote closed pursuant to section 610.021  
11 shall be closed only to the extent necessary for the specific  
12 reason announced to justify the closed meeting or vote. Public  
13 governmental bodies shall not discuss any business in a closed  
14 meeting, record or vote which does not directly relate to the  
15 specific reason announced to justify the closed meeting or vote.  
16 Public governmental bodies holding a closed meeting [~~must~~] shall  
17 close only an existing portion of the meeting facility necessary  
18 to house the members of the public governmental body in the  
19 closed session, allowing members of the public to remain to  
20 attend any subsequent open session held by the public  
21 governmental body following the closed session.

22 4. Nothing in sections 610.010 to 610.028 shall be  
23 construed as to require a public governmental body to hold a  
24 closed meeting, record or vote to discuss or act upon any matter.

25 5. Public records shall be presumed to be open unless  
26 otherwise exempt pursuant to the provisions of this chapter.

2           6. In the event any member of a public governmental body  
3 makes a motion to close a meeting, or a record, or a vote from  
4 the public and any other member believes that such motion, if  
5 passed, would cause a meeting, record or vote to be closed from  
6 the public in violation of any provision in this chapter 610,  
7 such latter member shall state his or her objection to the motion  
8 at or before the time the vote is taken on the motion. The  
9 public governmental body shall enter in the minutes of the public  
10 governmental body any objection made pursuant to this subsection.  
11 Any member making such an objection shall be allowed to fully  
12 participate in any meeting, record or vote that is closed from  
13 the public over the member's objection. In the event the  
14 objecting member also voted in opposition to the motion to close  
15 the meeting, record or vote at issue, the objection and vote of  
16 the member as entered in the minutes shall be an absolute defense  
17 to any claim filed against the objecting member pursuant to  
18 section 610.027.

19           610.023. 1. Each public governmental body is to appoint a  
20 custodian who is to be responsible for the maintenance of that  
21 body's records. The identity and location of a public  
22 governmental body's custodian is to be made available upon  
23 request.

24           2. Each public governmental body shall make available for  
25 inspection and copying by the public of that body's public  
26 records. No person shall remove original public records from the

2 office of a public governmental body or its custodian without  
3 written permission of the designated custodian. No public  
4 governmental body shall, after August 28, 1998, grant to any  
5 person or entity, whether by contract, license or otherwise, the  
6 exclusive right to access and disseminate any public record  
7 unless the granting of such right is necessary to facilitate  
8 coordination with, or uniformity among, industry regulators  
9 having similar authority.

10 3. Each request for access to a public record shall be  
11 acted upon as soon as possible, but in no event later than the  
12 end of the third business day following the date the request is  
13 received by the custodian of records of a public governmental  
14 body. If records are requested in a certain format, the public  
15 body shall provide the records in the requested format, if such  
16 format is available. If access to the public record is not  
17 granted immediately, the custodian shall give a detailed  
18 explanation of the cause for further delay and the place and  
19 earliest time and date that the record will be available for  
20 inspection. This period for document production may exceed three  
21 days for reasonable cause.

22 4. If a request for access is denied, the custodian shall  
23 provide, upon request, a written statement of the grounds for  
24 such denial. Such statement shall cite the specific provision of  
25 law under which access is denied and shall be furnished to the  
26 requester no later than the end of the third business day

2 following the date that the request for the statement is  
3 received.

4 610.025. In the event that any member of a public  
5 governmental body transmits any message relating to public  
6 business, in writing or by electronic means, to one or more  
7 members of the body so that, when counting the sender, a majority  
8 of the body's members are sent the message, the member  
9 transmitting the message shall also transmit the message to the  
10 custodian of records concurrently and in the same format. Any  
11 such message received by the custodian of records or at the  
12 member's office computer shall be a public record subject to the  
13 exceptions in section 610.021.

14 610.026. 1. Except as otherwise provided by law, each  
15 public governmental body shall provide access to and, upon  
16 request, furnish copies of public records subject to the  
17 following:

18 (1) Fees for copying public records, except those records  
19 restricted under section 32.091, RSMo, shall not exceed [the  
20 actual cost of document search and duplication. Upon request,  
21 the governmental body shall certify in writing that the actual  
22 cost of document search and duplication is fair, reasonable and  
23 does not exceed the actual cost incurred by the public  
24 governmental body] ten cents per page for a paper copy not larger  
25 than nine by fourteen inches, with the hourly fee for duplicating  
26 time not to exceed the average hourly rate of pay for clerical

2 staff of the public governmental body. Research time required  
3 for fulfilling records requests may be charged at the actual cost  
4 of research time. Based on the scope of the request, the public  
5 governmental body shall produce the copies using employees of the  
6 body that result in the lowest amount of charges for search,  
7 research, and duplication time. Prior to producing copies of the  
8 requested records, the person requesting the records may request  
9 the public governmental body to provide an estimate of the cost  
10 to the person requesting the records. Documents may be furnished  
11 without charge or at a reduced charge when the public  
12 governmental body determines that waiver or reduction of the fee  
13 is in the public interest because it is likely to contribute  
14 significantly to public understanding of the operations or  
15 activities of the public governmental body and is not primarily  
16 in the commercial interest of the requester;

17 (2) Fees for providing access to public records maintained  
18 on computer facilities, recording tapes or [discs] disks,  
19 videotapes or films, pictures, maps, slides, graphics,  
20 illustrations or similar audio or visual items or devices, and  
21 for paper copies larger than nine by fourteen inches shall  
22 include only the cost of copies, staff time, which shall not  
23 exceed the average hourly rate of pay for clerical staff of the  
24 public governmental body, required for making copies and  
25 programming, if necessary, and the cost of the disk [or], tape,  
26 or other medium used for the duplication. Fees for maps,

2 blueprints, or plats that require special expertise to duplicate  
3 may include the actual rate of compensation for the trained  
4 personnel required to duplicate such maps, blueprints, or plats.  
5 If programming is required beyond the customary and usual level  
6 to comply with a request for records or information, the fees for  
7 compliance may include the actual costs of such programming.

8         2. Payment of such copying fees may be requested prior to  
9 the making of copies.

10         3. Except as otherwise provided by law, each public  
11 governmental body of the state shall remit all moneys received by  
12 or for it from fees charged pursuant to this section to the  
13 director of revenue for deposit to the general revenue fund of  
14 the state.

15         4. Except as otherwise provided by law, each public  
16 governmental body of a political subdivision of the state shall  
17 remit all moneys received by it or for it from fees charged  
18 pursuant to sections 610.010 to 610.028 to the appropriate fiscal  
19 officer of such political subdivision for deposit to the  
20 governmental body's accounts.

21         5. The term "tax, license or fees" as used in section 22 of  
22 article X of the Constitution of the state of Missouri does not  
23 include copying charges and related fees that do not exceed the  
24 level necessary to pay or to continue to pay the costs for  
25 providing a service, program, or activity which was in existence  
26 on November 4, 1980, or which was approved by a vote of the



2 people subsequent to November 4, 1980.

3 610.027. 1. The remedies provided by this section against  
4 public governmental bodies shall be in addition to those provided  
5 by any other provision of law. Any aggrieved person, taxpayer  
6 to, or citizen of, this state, or the attorney general or  
7 prosecuting attorney, may seek judicial enforcement of the  
8 requirements of sections 610.010 to 610.026. Suits to enforce  
9 sections 610.010 to 610.026 shall be brought in the circuit court  
10 for the county in which the public governmental body has its  
11 principal place of business. Upon service of a summons,  
12 petition, complaint, counterclaim, or cross-claim in a civil  
13 action brought to enforce the provisions of sections 610.010 to  
14 610.026, the custodian of the public record that is the subject  
15 matter of such civil action shall not transfer custody, alter,  
16 destroy, or otherwise dispose of the public record sought to be  
17 inspected and examined, notwithstanding the applicability of an  
18 exemption pursuant to section 610.021 or the assertion that the  
19 requested record is not a public record until the court directs  
20 otherwise.

21 2. Once a party seeking judicial enforcement of sections  
22 610.010 to 610.026 demonstrates to the court that the body in  
23 question is subject to the requirements of sections 610.010 to  
24 610.026 and has held a closed meeting, record or vote, the burden  
25 of persuasion shall be on the body and its members to demonstrate  
26 compliance with the requirements of sections 610.010 to 610.026.

2           3. Upon a finding by a preponderance of the evidence that a  
3 public governmental body or a member of a public governmental  
4 body has [purposely] negligently violated sections 610.010 to  
5 [610.027] 610.026, the public governmental body or the member  
6 shall be subject to a civil [fine in the amount of not more than  
7 five hundred dollars and the court may order the payment by such  
8 body or member of all costs and reasonable attorney fees to any  
9 party successfully establishing a violation of sections 610.010  
10 to 610.026] penalty in an amount ranging from twenty-five dollars  
11 to two hundred fifty dollars. The court shall determine the  
12 amount of the penalty by taking into account the size of the  
13 jurisdiction, the seriousness of the offense, and whether the  
14 public governmental body or member of a public governmental body  
15 has violated sections 610.010 to 610.026 previously.

16           4. Upon a finding by a preponderance of the evidence that a  
17 public governmental body or a member of a public governmental  
18 body has purposely violated section 610.010 to 610.026, the  
19 public governmental body or the member shall be subject to a  
20 civil penalty in an amount ranging from one thousand dollars to  
21 five thousand dollars. If the court finds that there was a  
22 purposeful violation of sections 610.010 to 610.026, then the  
23 court shall order the payment by such body or member of all costs  
24 and reasonable attorney fees to any party successfully  
25 establishing such a violation. The court shall determine the  
26 amount of the penalty by taking into account the size of the

2 jurisdiction, the seriousness of the offense, and whether the  
3 public governmental body or member of a public governmental body  
4 has violated sections 610.010 to 610.026 previously.

5       5. Upon a finding by a preponderance of the evidence that a  
6 public governmental body has violated any provision of sections  
7 610.010 to 610.026, a court shall void any action taken in  
8 violation of sections 610.010 to 610.026, if the court finds  
9 under the facts of the particular case that the public interest  
10 in the enforcement of the policy of sections 610.010 to 610.026  
11 outweighs the public interest in sustaining the validity of the  
12 action taken in the closed meeting, record or vote. Suit for  
13 enforcement [must] shall be brought within one year from which  
14 the violation is ascertainable and in no event shall it be  
15 brought later than two years after the violation. This  
16 subsection shall not apply to an action taken regarding the  
17 issuance of bonds or other evidence of indebtedness of a public  
18 governmental body if a public hearing, election or public sale  
19 has been held regarding the bonds or evidence of indebtedness.

20       [5.] 6. A public governmental body which is in doubt about  
21 the legality of closing a particular meeting, record or vote may  
22 bring suit at the expense of that public governmental body in the  
23 circuit court of the county of the public governmental body's  
24 principal place of business to ascertain the propriety of any  
25 such action, or seek a formal opinion of the attorney general or  
26 an attorney for the governmental body.

2           610.029. 1. A public governmental body keeping its records  
3 in an electronic format is strongly encouraged to provide access  
4 to its public records to members of the public in an electronic  
5 format. A public governmental body is strongly encouraged to  
6 make information available in usable electronic formats to the  
7 greatest extent feasible. A public governmental body may not  
8 enter into a contract for the creation or maintenance of a public  
9 records database if that contract impairs the ability of the  
10 public to inspect or copy the public records of that agency,  
11 including public records that are on-line or stored in an  
12 electronic recordkeeping system used by the agency. Such  
13 contract may not allow any impediment that as a practical matter  
14 makes it more difficult for the public to inspect or copy the  
15 records than to inspect or copy the public governmental body's  
16 records. For purposes of this section, a useable electronic  
17 format shall allow, at a minimum, viewing and printing of  
18 records. However, if the public governmental body keeps a record  
19 on a system capable of allowing the copying of electronic  
20 documents into other electronic documents, the public  
21 governmental body shall provide data to the public in such  
22 electronic format, if requested. The activities authorized  
23 pursuant to this section may not take priority over the primary  
24 responsibilities of a public governmental body. For purposes of  
25 this section the term "electronic services" means on-line access  
26 or access via other electronic means to an electronic file or

2 data base. This subsection shall not apply to contracts  
3 initially entered into before August 28, 2004.

4 2. Public governmental bodies shall include in a contract  
5 for electronic services provisions that:

6 (1) Protect the security and integrity of the information  
7 system of the public governmental body and of information systems  
8 that are shared by public governmental bodies; and

9 (2) Limit the liability of the public governmental body  
10 providing the services.

11 3. Each public governmental body may consult with the  
12 division of data processing and telecommunications of the office  
13 of administration to develop the electronic services offered by  
14 the public governmental body to the public pursuant to this  
15 section.

16 610.100. 1. As used in sections 610.100 to 610.150, the  
17 following words and phrases shall mean:

18 (1) "Arrest", an actual restraint of the person of the  
19 defendant, or by his or her submission to the custody of the  
20 officer, under authority of a warrant or otherwise for a criminal  
21 violation which results in the issuance of a summons or the  
22 person being booked;

23 (2) "Arrest report", a record of a law enforcement agency  
24 of an arrest and of any detention or confinement incident thereto  
25 together with the charge therefor;

26 (3) "Inactive", an investigation in which no further action

2 will be taken by a law enforcement agency or officer for any of  
3 the following reasons:

4 (a) A decision by the law enforcement agency not to pursue  
5 the case;

6 (b) Expiration of the time to file criminal charges  
7 pursuant to the applicable statute of limitations, or ten years  
8 after the commission of the offense; whichever date earliest  
9 occurs;

10 (c) Finality of the convictions of all persons convicted on  
11 the basis of the information contained in the investigative  
12 report, by exhaustion of or expiration of all rights of appeal of  
13 such persons;

14 (4) "Incident report", a record of a law enforcement agency  
15 consisting of the date, time, specific location, name of the  
16 victim and immediate facts and circumstances surrounding the  
17 initial report of a crime or incident, including any logs of  
18 reported crimes, accidents and complaints maintained by that  
19 agency;

20 (5) "Investigative report", a record, other than an arrest  
21 or incident report, prepared by personnel of a law enforcement  
22 agency, inquiring into a crime or suspected crime, either in  
23 response to an incident report or in response to evidence  
24 developed by law enforcement officers in the course of their  
25 duties.

26 2. Each law enforcement agency of this state, of any

2 county, and of any municipality, shall maintain records of all  
3 incidents reported to the agency, investigations and arrests made  
4 by such law enforcement agency. All incident reports and arrest  
5 reports shall be open records. Notwithstanding any other  
6 provision of law other than the provisions of subsections 4, 5  
7 and 6 of this section or section 320.083, RSMo, investigative  
8 reports of all law enforcement agencies are closed records until  
9 the investigation becomes inactive. If any person is arrested  
10 and not charged with an offense against the law within thirty  
11 days of the person's arrest, the arrest report shall thereafter  
12 be a closed record except that the disposition portion of the  
13 record may be accessed and except as provided in section 610.120.

14 3. Except as provided in subsections 4, 5, 6 and 7 of this  
15 section, if any portion of a record or document of a law  
16 enforcement officer or agency, other than an arrest report, which  
17 would otherwise be open, contains information that is reasonably  
18 likely to pose a clear and present danger to the safety of any  
19 victim, witness, undercover officer, or other person; or  
20 jeopardize a criminal investigation, including records which  
21 would disclose the identity of a source wishing to remain  
22 confidential or a suspect not in custody; or which would disclose  
23 techniques, procedures or guidelines for law enforcement  
24 investigations or prosecutions, that portion of the record shall  
25 be closed and shall be redacted from any record made available  
26 pursuant to this chapter.

2           4. Any person, attorney for a person, or insurer of a  
3 person involved in any incident or whose property is involved in  
4 an incident, may obtain any records closed pursuant to this  
5 section or section 610.150 for purposes of investigation of any  
6 civil claim or defense, as provided by this subsection. Any  
7 individual, his or her attorney or insurer, involved in an  
8 incident or whose property is involved in an incident, upon  
9 written request, may obtain a complete unaltered and unedited  
10 incident report concerning the incident, and may obtain access to  
11 other records closed by a law enforcement agency pursuant to this  
12 section. Within thirty days of such request, the agency shall  
13 provide the requested material or file a motion pursuant to this  
14 subsection with the circuit court having jurisdiction over the  
15 law enforcement agency stating that the safety of the victim,  
16 witness or other individual cannot be reasonably ensured, or that  
17 a criminal investigation is likely to be jeopardized. If, based  
18 on such motion, the court finds for the law enforcement agency,  
19 the court shall either order the record closed or order such  
20 portion of the record that should be closed to be redacted from  
21 any record made available pursuant to this subsection.

22           5. Any person may bring an action pursuant to this section  
23 in the circuit court having jurisdiction to authorize disclosure  
24 of the information contained in an investigative report of any  
25 law enforcement agency, which would otherwise be closed pursuant  
26 to this section. The court may order that all or part of the



2 information contained in an investigative report be released to  
3 the person bringing the action. In making the determination as  
4 to whether information contained in an investigative report shall  
5 be disclosed, the court shall consider whether the benefit to the  
6 person bringing the action or to the public outweighs any harm to  
7 the public, to the law enforcement agency or any of its officers,  
8 or to any person identified in the investigative report in regard  
9 to the need for law enforcement agencies to effectively  
10 investigate and prosecute criminal activity. The investigative  
11 report in question may be examined by the court in camera. The  
12 court may find that the party seeking disclosure of the  
13 investigative report shall bear the reasonable and necessary  
14 costs and attorneys' fees of both parties, unless the court finds  
15 that the decision of the law enforcement agency not to open the  
16 investigative report was substantially unjustified under all  
17 relevant circumstances, and in that event, the court may assess  
18 such reasonable and necessary costs and attorneys' fees to the  
19 law enforcement agency.

20 6. Any person may apply pursuant to this subsection to the  
21 circuit court having jurisdiction for an order requiring a law  
22 enforcement agency to open incident reports and arrest reports  
23 being unlawfully closed pursuant to this section. If the court  
24 finds by a preponderance of the evidence that the law enforcement  
25 officer or agency has [purposely] negligently violated this  
26 section, the officer or agency shall be subject to a civil

2 penalty in an amount [not to exceed five hundred dollars, and]  
3 ranging from twenty-five dollars to two hundred fifty dollars.  
4 [the court shall order payment by such officer or agency of all  
5 costs and attorneys' fees, as provided by section 610.027.] If  
6 the court finds by a preponderance of the evidence that the law  
7 enforcement officer or agency has purposely violated this  
8 section, the officer or agency shall be subject to a civil  
9 penalty in an amount ranging from one thousand dollars to five  
10 thousand dollars and the court shall order payment by such  
11 officer or agency of all costs and attorney fees, as provided in  
12 section 610.027. The court shall determine the amount of the  
13 penalty by taking into account the size of the jurisdiction, the  
14 seriousness of the offense, and whether the law enforcement  
15 officer or agency has violated this section previously.

16 7. The victim of an offense as provided in chapter 566,  
17 RSMo, may request that his or her identity be kept confidential  
18 until a charge relating to such incident is filed.

19 610.200. [1. Except as provided in subsection 2 of this  
20 section] All law enforcement agencies that maintain a daily log  
21 or record that lists suspected crimes, accidents, or complaints,  
22 shall make available the following information for inspection and  
23 copying by the public:

24 (1) The time, substance, and location of all complaints or  
25 requests for assistance received by the agency;

26 (2) The time and nature of the agency's response to all

2 complaints or requests for assistance; and

3 (3) If the incident involves an alleged crime or  
4 infraction:

5 (a) The time, date, and location of occurrence;

6 (b) The name and age of any victim, unless the victim is a  
7 victim of a crime under chapter 566, RSMo;

8 (c) The factual circumstances surrounding the incident; and

9 (d) A general description of any injuries, property or  
10 weapons involved.

11 [2. Any law enforcement agency with custody of an accident  
12 report or incident report, as defined in section 610.100, shall  
13 not release for sixty days after the date of the accident or  
14 incident the report containing the factual circumstances or  
15 general description of any injuries as provided in paragraphs (c)  
16 and (d) of subdivision (3) of subsection 1 of this section to a  
17 person that is not an interested party. For the purposes of this  
18 subsection, an "interested party" is any law enforcement agency,  
19 any person who was involved in the accident or incident, the  
20 street department of the jurisdiction involved, the owner of any  
21 vehicle involved in the accident or incident, the insurance  
22 company, physician or family member of any person involved in the  
23 accident or incident or any attorney or any member of the news  
24 media.]

25 Section 1. If any public school district hosts a district-  
26 sponsored Internet web site, that district shall post the

2 following on such site:

3 (1) A current version of that district's policy manual and  
4 all related documents; and

5 (2) A current version of that district's handbook, or, if  
6 the district has more than one handbook, a current version of all  
7 of that district's handbooks.

8 Section B. Because immediate action is necessary to  
9 alleviate any harm posed to the public from the lack of any  
10 qualified newspaper approved for public notices, the repeal and  
11 reenactment of section 493.050 of section A of this act is deemed  
12 necessary for the immediate preservation of the public health,  
13 welfare, peace, and safety, and is hereby declared to be an  
14 emergency act within the meaning of the constitution, and the  
15 repeal and reenactment of section 493.050 of section A of this  
16 act shall be in full force and effect upon its passage and  
17 approval.