

FIRST EXTRAORDINARY SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3
93RD GENERAL ASSEMBLY

Reported from the Committee on Judiciary, September 7, 2005, with recommendation that the House Committee Substitute for House Bill No. 3 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

2502L.02C

AN ACT

To repeal section 1 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344 and approved by the governor on July 13, 2005, and to enact in lieu thereof one new section relating to the posting of certain information on the Internet, with a penalty provision and an emergency clause.

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

Section A. Section 1 as enacted by the first regular session of the ninety-third general
2 assembly in conference committee substitute for house committee substitute for senate
3 committee substitute for senate bills nos. 420 & 344 and approved by the governor on July 13,
4 2005, is repealed and one new section enacted in lieu thereof, to be known as section 1, to read
5 as follows:

Section 1. [1. No court or state or local agency shall post the home address, Social
2 Security number, or telephone number of any elected or appointed official on the Internet without
3 first obtaining the written permission of such official.

4 2.] No person shall knowingly post the **name**, home address, Social Security number,
5 or telephone number of any [elected or appointed official, or of such official's residing spouse
6 or child] **person** on the Internet [knowing that person is an elected or appointed official and]
7 intending to cause [imminent] great bodily harm [that is likely to occur] **or death**, or threatening
8 to cause [imminent] great bodily harm **or death** to such [official, spouse, or child] **person**. Any

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 person who violates this subsection is guilty of a class C misdemeanor.

10 [3. For purposes of this section, "elected or appointed official" includes but is not limited
11 to all of the following:

- 12 (1) State constitutional officers;
- 13 (2) Members of the Missouri general assembly;
- 14 (3) Judges, court commissioners, and circuit clerks;
- 15 (4) Directors of state departments;
- 16 (5) Prosecuting attorneys and assistant prosecuting attorneys;
- 17 (6) Public defenders;
- 18 (7) County commissioners;
- 19 (8) Members of a city council;
- 20 (9) Mayors;
- 21 (10) City attorneys and county counselors;
- 22 (11) Police chiefs and sheriffs;
- 23 (12) Peace officers under chapter 590, RSMo;
- 24 (13) Probation and parole officers, and members of the parole board.

25 4. Upon becoming aware that his or her home address, Social Security number, or
26 telephone number has been made available over the Internet, any person covered by this section
27 shall inform the court or state or local agency of such fact and request removal of such
28 information. Upon becoming aware, the failure of a person covered by this section to notify a
29 state or public agency shall relieve such agency of the obligation to remove prohibited
30 information.]

Section B. Because immediate action is necessary to prevent assessment of liability for
2 the unintentional dissemination of certain information on the Internet section A of this act is
3 deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,
4 and is hereby declared to be an emergency act within the meaning of the constitution, and section
5 A of this act shall be in full force and effect upon its passage and approval.