

SECOND REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1053
93RD GENERAL ASSEMBLY

Reported from the Committee on Judiciary March 15, 2006 with recommendation that House Committee Substitute for House Bill No. 1053 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

Reported from the Committee on Rules March 27, 2006 with recommendation that House Committee Substitute for House Bill No. 1053 Do Pass by Consent.

Perfectured by Consent April 4, 2006.

STEPHEN S. DAVIS, Chief Clerk

3677L.03P

AN ACT

To repeal section 610.105, RSMo, and to enact in lieu thereof one new section relating to victim's access to official case records in certain cases in which imposition of sentence is suspended.

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

Section A. Section 610.105, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 610.105, to read as follows:

610.105. **1.** If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except as provided in **subsection 2 of this section** **and** section 610.120 and except that the court's judgment or order or the final action taken by the prosecutor in such matters may be accessed. If the accused is found not guilty due to mental disease or defect pursuant to section 552.030, RSMo, official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child-care agencies, facilities as defined in section 198.006, RSMo,

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.

10 and in-home services provider agencies as defined in section 660.250, RSMo, in the manner
11 established by section 610.120.

12 **2. If the person arrested is charged with an offense found in chapter 566, RSMo,**
13 **section 568.045, 568.050, 568.060, 568.065, 568.080, 568.090, or 568.175, RSMo, and an**
14 **imposition of sentence is suspended in the court in which the action is prosecuted, the**
15 **official records pertaining to the case shall be made available to the victim for the purpose**
16 **of using the records in his or her own judicial proceeding, or if the victim is a minor to the**
17 **victim's parents or guardian, upon request.**

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