

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 1371, Page 570, Section 650.165, Line 4,
2 by inserting after all of said Section and Line the following:

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4 "610.205. 1. After an investigation is inactive, as defined in section 610.100, crime scene or
5 death scene photographs and video recordings, including photographs and video recordings created
6 or produced by a state or local agency or by a perpetrator or suspect at a crime scene, which depict or
7 describe a deceased person in a state of dismemberment, decapitation, or similar mutilation
8 including, without limitation, where the deceased person's genitalia are exposed, shall be considered
9 open records for inspection, but closed records for purposes of copying under the provisions of this
10 chapter. Unless dissemination is prohibited by 18 U.S.C. Section 2252, this section shall not prohibit
11 disclosure of such material to:

12 (1) State and local law enforcement agencies, prosecuting attorneys, juvenile officers, courts
13 and court personnel, coroners, the state technical assistance team, child fatality review panels, the
14 department of social services, or other state or local officials who need access to the photograph and
15 video recordings in order to perform their duties; and

16 (2) The deceased's next of kin or to an individual who has secured a written release from the
17 next of kin. It shall be the responsibility of the next of kin to show proof of the familial relationship.
18 For purposes of such access, the deceased's next of kin shall:

19 (a) Be the spouse of the deceased if living;

20 (b) Be an adult child of the deceased if there is no living spouse of the deceased; or

21 (c) Be a parent of the deceased if there is no living spouse or adult child; and

22 (d) Not have pleaded guilty to or been found guilty of a crime that resulted in the deceased's
23 death.

24 2. Subject to the provisions of subsection 3 of this section, in the case of closed criminal
25 investigations a circuit court judge may order the disclosure of such photographs or video
26 recordings, not otherwise prohibited by 18 U.S.C. Section 2252, upon findings in writing that
27 disclosure is in the public interest and outweighs any privacy interest that may be asserted by the
28 deceased person's next of kin. In making such determination, the court shall consider whether such
29 disclosure is necessary for public evaluation of governmental performance, the seriousness of the
30 intrusion into the family's right to privacy, and whether such disclosure is the least intrusive means
31 available considering the availability of similar information in other public records. In any such
32 action, the court shall review the photographs or video recordings in question in camera with the
33 custodian of the crime scene materials present and may condition any disclosure on such condition as
34 the court may deem necessary to accommodate the interests of the parties.

35 3. Prior to releasing any crime scene material described in subsection 1 of this section, the
36 custodian of such material shall give the deceased person's next of kin at least two weeks' notice. No

Action Taken _____ Date _____

1 court shall order a disclosure under subsection 2 of this section which would disregard or shorten the
2 duration of such notice requirement. No court order or notification to the next of kin shall be
3 required for the release or disclosure of information to state and local law enforcement agencies,
4 prosecuting attorneys, juvenile officers, courts and court personnel, coroners, the state technical
5 assistance team, child fatality review panels, the department of social services, or other state or local
6 officials who need access to the photograph and video recordings in order to perform their duties.

7 4. The provisions of this section shall apply to all undisclosed material which is in the
8 custody of a state or local agency on the effective date of this section and to any such material which
9 comes into the custody of a state or local agency after such date.

10 5. The provisions of this section shall not apply to disclosure of crime scene material to
11 counsel representing a defendant. Unless otherwise prohibited by 18 U.S.C. Section 2252, counsel
12 may disclose such materials to his or her client and any expert or investigator assisting counsel but
13 shall not otherwise disseminate such materials, except to the extent they may be necessary exhibits in
14 court proceedings. A request under this subsection shall clearly state that such request is being made
15 for the purpose of preparing to file and litigate proceedings enumerated in this subsection."; and

16
17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.