

SECOND REGULAR SESSION

HOUSE BILL NO. 2202

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HAEFNER.

5024H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 595.226, RSMo, and to enact in lieu thereof four new sections relating to the records of victims of sexual offenses.

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

Section A. Section 595.226, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 510.035, 545.950, 595.226, and 595.227, to read as follows:

510.035. 1. Except as provided in subsection 2 of this section, any visual or aural recordings or photographs of a minor or his or her body who is alleged to be the victim of an offense under chapter 566 created by or in the possession of a child assessment center, health care provider, or multidisciplinary investigation team member shall not be disclosed unless required by supreme court rule 25.03 or a court orders the disclosure upon a showing of good cause after notice and a hearing and after considering the safety and privacy interests of any victim.

2. Notwithstanding any rule or provision of law, a person who is party or has a legitimate interest in a court proceeding involving a victim of an offense under chapter 566 who was a minor at the time such offense occurred may view any visual or aural recordings or photographs of a minor or his or her body who is alleged to be the victim of an offense under chapter 566 created by or in the possession of a child assessment center or hospital, but no such person shall obtain copies of the information provided in this subsection without a court order or as required by supreme court rule 25.03.

3. Members of the multidisciplinary investigation team may share the visual or aural recordings of the child's statements or photographs with other members of the multidisciplinary investigation team for the purposes of investigation, related child

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.

18 protection court proceedings or prosecution; the office of the child advocate as a part of
19 a review under section 37.710; or the child abuse and neglect review board, as part of a
20 review under section 210.153.

21 4. If a court orders the copying of visual or aural recordings or photographs as
22 described in subsection 1 of this section, the order shall:

23 (1) Be limited solely to the use of the recordings or photographs for the purposes of
24 a current court proceeding or in preparation for a pending court proceeding;

25 (2) Prohibit further copying, reproduction, or dissemination of the recordings or
26 photographs;

27 (3) Prohibit the moving party's counsel of record or specified experts from allowing
28 any other person to have copies of the recordings or photographs without a court order;
29 and

30 (4) Require the return of the copies to the health care provider, child assessment
31 center, or multidisciplinary investigation team member upon the final disposition of the
32 case.

545.950. 1. Except as provided by subsection 2 of this section, the defendant, the
2 defendant's attorney, or an investigator, expert, consulting legal counsel, or other agent of
3 the defendant's attorney shall not disclose to a third party any visual or aural recordings
4 or photographs of a minor or his or her body who is alleged to be the victim of an offense
5 under chapter 566 created by or in the possession of a child assessment center, health care
6 provider, or multidisciplinary team member unless a court orders the disclosure upon a
7 showing of good cause after notice and a hearing and after considering the safety and
8 privacy interests of any victim.

9 2. The defendant's attorney or an investigator, expert, consulting legal counsel, or
10 agent for the defendant's attorney may allow a defendant, witness, or prospective witness
11 to view the information provided under this section but shall not allow such person to have
12 copies of the information provided.

595.226. 1. After August 28, 2007, any information contained in any court record,
2 whether written or published on the internet, **including any visual or aural recordings** that
3 could be used to identify or locate any victim of an offense under chapter 566 or a victim of
4 domestic assault or stalking shall be closed and redacted from such record prior to disclosure to
5 the public. Identifying information shall include the name, home or temporary address,
6 telephone number, Social Security number, place of employment, or physical characteristics,
7 **including an unobstructed visual image of the victim's face or body.**

8 2. If the court determines that a person or entity who is requesting identifying
9 information of a victim has a legitimate interest in obtaining such information, the court may

10 allow access to the information, but only if the court determines that disclosure to the person or
11 entity would not compromise the welfare or safety of such victim, and only after providing
12 reasonable notice to the victim and after allowing the victim the right to respond to such request.

13 3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding
14 over a case under chapter 566, or a case of domestic assault or stalking shall have the discretion
15 to publicly disclose identifying information regarding the defendant which could be used to
16 identify or locate the victim of the crime. The victim may provide a statement to the court
17 regarding whether he or she desires such information to remain closed. When making the
18 decision to disclose such information, the judge shall consider the welfare and safety of the
19 victim and any statement to the court received from the victim regarding the disclosure.

2 **595.227. Any court records identifying any person who was a victim of a crime**
3 **under chapter 566 and a minor at the time the offense was committed shall be closed for**
4 **inspection, and the contents shall not be disclosed except by order of the court to persons**
5 **having a legitimate interest therein.**

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