

HCS HB 2202 -- EVIDENCE

SPONSOR: Haefner

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Civil and Criminal Proceedings by a vote of 8 to 1. Voted "Do Pass with HCS" by a vote of 8 to 0.

This bill specifies that 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, RSMo, created by or in the possession of a Child Assessment Center, health care provider, or multidisciplinary investigation team member cannot 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.

A person who is a 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 is permitted to obtain copies of the information without a court order or as required by Supreme Court Rule 25.03.

Members of the multidisciplinary investigation team are authorized to share the visual or aural recordings of the child's statements or photographs with certain entities as specified in the bill.

The bill specifies what must be contained in a court order if a court orders the copying of such visual or aural recordings or photographs.

A defendant, the defendant's attorney, or an investigator, expert, consulting legal counsel, or other agent of the defendant's attorney cannot disclose to a third party 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 team member unless 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. The defendant's attorney or an investigator, expert, consulting legal counsel, or agent for the defendant's attorney may allow a defendant, witness, or prospective witness to view the information provided under this section but must not allow such

person to have copies of the information provided.

The bill specifies that any visual or aural recordings that could be used to identify or locate any victim of an offense under Chapter 566 or a victim of domestic assault or stalking must be closed and redacted from the record prior to disclosure to the public, including an unobstructed visual image of the victim's face or body.

Any court records identifying any person who was a victim of a crime under Chapter 566 and a minor at the time the offense was committed must be closed for inspection, and the contents must not be disclosed except by order of the court to persons having a legitimate interest therein.

The bill specifies that a violation of these provisions is a class C misdemeanor.

PROPOSERS: Supporters say that this bill intends to protect Child Advocacy Center records and provide these sensitive records some confidentiality. These records include the forensic interview of child sexual abuse victims which are extremely sensitive and personal in nature, the records also include photographs of young victims. These are the records of children's most shameful stories, and we need to protect these records to ensure they are only disclosed to those individuals that legitimately need to access the records. These children deserve to have their privacy maintained, especially child victims of such heinous crimes. When children give these interviews, they are not aware at such a young age that the interview will be recorded and could possibly be given to their abuser or other individuals to view. There have been numerous instances where these records were callously handled. In one instance, a mother who was living with the alleged abuser of her children obtained a DVD of their forensic interview before charges were ever even filed, and that DVD has not been accounted for to this day; it is highly likely the mother allowed the abuser to view the DVD and see what the child reported about his alleged abuse.

Testifying for the bill were Representative Haefner; Rachel Greathouse, Empower Missouri; Missouri Kids First; Missouri National Education Association; Missouri Children's Leadership Council; Missouri Association Of Prosecuting Attorneys; and Missouri Coalition Of Children's Agencies.

OPPOSERS: There was no opposition voiced to the committee.