

HB 2202 -- EVIDENCE

SPONSOR: Haefner

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.