

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 34, Page 21, Section
2 577.685, Line 15, by inserting immediately after said section and line the following:

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4 "589.664. 1. If an individual is a participant in the Address Confidentiality Program pursuant to
5 section 589.663, no person or entity shall be compelled to disclose the participant's actual address during the
6 discovery phase of or during a proceeding before a court or other tribunal unless the court or tribunal first
7 finds, on the record, that:

8 (1) There is a reasonable belief that the address is needed to obtain information or evidence without
9 which the investigation, prosecution, or litigation cannot proceed; and

10 (2) There is no other practicable way of obtaining the information or evidence.

11 2. The court must first provide the program participant and the secretary of state notice that address
12 disclosure is sought.

13 3. The program participant shall have an opportunity to present evidence regarding the potential
14 harm to the safety of the program participant if the address is disclosed. In determining whether to compel
15 disclosure, the court must consider whether the potential harm to the safety of the participant is outweighed
16 by the interest in disclosure.

17 4. Notwithstanding any other provision in law, no court shall order an individual who has had his or
18 her application accepted by the secretary to disclose his or her actual address or location of his or her
19 residence without giving the secretary proper notice. The secretary shall have the right to intervene in any
20 civil proceeding in which a court is considering a participant to disclose their actual address.

21 5. Disclosure of a participant's actual address under this section shall be limited under the terms of
22 the order to ensure that the disclosure and dissemination of the actual address will be no wider than necessary
23 for the purposes of the investigation, prosecution, or litigation.

24 6. Nothing in this section prevents the court or other tribunal from issuing a protective order to
25 prevent disclosure of information other than the participant's actual address that could reasonably lead to the
26 discovery of the program participant's location.

27 589.675. If the secretary deems it appropriate, the secretary shall ~~may~~ make a program participant's
28 address and mailing address available for inspection or copying [~~under the following circumstances:~~

29 ~~——(1)——] to a person identified in a court order, upon the secretary's receipt of such court order that~~
30 ~~complies with section 559.664 [specifically orders the disclosure of a particular program participant's address~~
31 ~~and mailing address and the reasons stated for the disclosure; or~~

32 ~~——(2)——] If the certification has been cancelled because the applicant or program participant violated~~
33 ~~subdivision (2) of section 589.663]."; and~~

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

Action Taken _____ Date _____