

HOUSE AMENDMENT NO.____
TO
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Offered By

AMEND House Amendment No.____ to House Committee Substitute for Senate Substitute for Senate Bill No. 34, Page 1, Line 17, by inserting after said line the following:

"Further amend said bill, Page 21, Section 577.685, Line 15, by inserting immediately after all of said section and line the following:

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

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

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

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

3. The program participant shall have an opportunity to present evidence regarding the potential harm to the safety of the program participant if the address is disclosed. In determining whether to compel disclosure, the court must consider whether the potential harm to the safety of the participant is outweighed by the interest in disclosure. In a criminal proceeding, the court must order disclosure of a program participant's address if protecting the address would violate a defendant's constitutional right to confront a witness.

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

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

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

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

Action Taken_____ Date _____

1 circumstances:

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

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

7
8 Further amend said bill, Page 24, Section B, Lines 1-2, by deleting said lines and inserting in lieu
9 thereof the following:

10
11 "Section B. Because immediate action is necessary to protect the citizens of Missouri from
12 criminal offenses, the repeal and reenactment of sections"; and

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14 Further amend said bill, page, and section, Lines 3 and 8, by inserting immediately after the number
15 "577.010," the number "589.675,"; and

16
17 Further amend said bill, page, and section, Lines 4 and 8, by deleting the phrase "section 252.069"
18 in both instances and inserting in lieu thereof the phrase "sections 252.069 and 589.664"; and"; and

19
20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.

22
23 THIS AMENDS 0089H04.08H.