

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 134, Page 30, Section 321.246, Line 70, by
2 inserting immediately after said section and line the following:

3
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].

34 Section B. Because immediate action is necessary to protect the safety, privacy, and welfare of
35 victims of domestic violence and abuse, the repeal and reenactment of section 589.675 of this act and the
36 enactment of section 589.664 of this act is deemed necessary for the immediate preservation of the public
37 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the
38 constitution, and the repeal and reenactment of section 589.675 of this act and the enactment of section
39 589.664 of this act shall be in full force and effect upon its passage and approval."; and

Action Taken _____ Date _____

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