

FIRST REGULAR SESSION

HOUSE BILL NO. 765

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHAUL (113).

1710H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 610.032, RSMo, and to enact in lieu thereof one new section relating to the sunshine law.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 610.032, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 610.032, to read as follows:

610.032. 1. If an executive agency's records are closed by law, it may not disclose any information contained in such closed records in any form that would allow identification of individual persons or entities unless:

(1) Disclosure of such information is made to a person in that person's official capacity representing an executive **or legislative** agency and the disclosure is necessary for the requesting executive **or legislative** agency to perform its constitutional or statutory duties; or

(2) Disclosure is otherwise required by law.

2. Notwithstanding any other provision of law to the contrary, including, but not limited to, section 32.057, such closed information may be disclosed pursuant to this section; however, the providing executive agency may request, as a condition of disclosing such information, that the requesting executive **or legislative** agency submit:

(1) The constitutional or statutory duties necessitating the disclosure of such information;

(2) The name and official capacity of the person or persons to whom such information will be disclosed;

(3) An affirmation that such information will be used only in furtherance of such constitutional or statutory duties; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (4) The date upon which the access is requested to begin, when the request is for
18 continuous access.

19 3. Any executive agency receiving such a request for closed information shall keep the
20 request on file and shall only release such information to the person or persons listed on such
21 request. If the request is for continuous access to such information, the executive agency shall
22 honor the request for a period of one year from the beginning date indicated on such request. If
23 the requesting executive **or legislative** agency requests such information for more than one year,
24 the agency shall provide an updated request for closed information to the providing executive
25 agency upon expiration of the initial request.

26 4. Any person receiving or releasing closed information pursuant to this section shall be
27 subject to any laws, regulations or standards of the providing executive agency regarding the
28 confidentiality or misuse of such information and shall be subject to any penalties provided by
29 such laws, regulations or standards for the violation of the confidentiality or misuse of such
30 information.

31 5. **(1)** For the purposes of this section, "executive agency" means any administrative
32 governmental entity created by the Constitution or statutes of this state under the executive
33 branch, including any department, agency, board, bureau, council, commission, committee, board
34 of regents or board of curators of any institution of higher learning supported in whole or in part
35 by state funds, any subdivision of an executive agency, and any legally designated agent of such
36 entity.

37 **(2) For the purposes of this section, a "legislative agency" is any joint legislative**
38 **committee created under the Constitution or statutes of this state under the legislative**
39 **branch.**

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