

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 103
102ND GENERAL ASSEMBLY

0795H.04C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 476.055, 485.060, 488.650, 509.520, and 565.240, RSMo, and to enact in lieu thereof eleven new sections relating to judicial proceedings, with penalty provisions.

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

Section A. Sections 476.055, 485.060, 488.650, 509.520, and 565.240, RSMo, are
2 repealed and eleven new sections enacted in lieu thereof, to be known as sections 476.055,
3 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313, 485.060, 509.520,
4 and 565.240, to read as follows:

476.055. 1. There is hereby established in the state treasury the "Statewide Court
2 Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts,
3 contributions, devises, bequests, and grants received relating to automation of judicial record
4 keeping, and moneys received by the judicial system for the dissemination of information and
5 sales of publications developed relating to automation of judicial record keeping, shall be
6 credited to the fund. Moneys credited to this fund may only be used for the purposes set forth
7 in this section and as appropriated by the general assembly. Any unexpended balance
8 remaining in the statewide court automation fund at the end of each biennium shall not be
9 subject to the provisions of section 33.080 requiring the transfer of such unexpended balance
10 to general revenue[; ~~except that, any unexpended balance remaining in the fund on September~~
11 ~~1, 2023, shall be transferred to general revenue].~~

12 2. The statewide court automation fund shall be administered by a court automation
13 committee consisting of the following: the chief justice of the supreme court, a judge from
14 the court of appeals, four circuit judges, four associate circuit judges, four employees of the

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.

15 circuit court, **two employees who work full-time in a municipal division of a circuit court,**
16 the commissioner of administration, two members of the house of representatives appointed
17 by the speaker of the house, two members of the senate appointed by the president pro tem of
18 the senate, the executive director of the Missouri office of prosecution services, the director of
19 the state public defender system, and two members of the Missouri Bar. The judge members
20 and employee members shall be appointed by the chief justice. The commissioner of
21 administration shall serve ex officio. The members of the Missouri Bar shall be appointed by
22 the board of governors of the Missouri Bar. Any member of the committee may designate
23 another person to serve on the committee in place of the committee member.

24 3. The committee shall develop and implement a plan for a statewide court
25 automation system. The committee shall have the authority to hire consultants, review
26 systems in other jurisdictions and purchase goods and services to administer the provisions of
27 this section. The committee may implement one or more pilot projects in the state for the
28 purposes of determining the feasibility of developing and implementing such plan. The
29 members of the committee shall be reimbursed from the court automation fund for their actual
30 expenses in performing their official duties on the committee.

31 4. Any purchase of computer software or computer hardware that exceeds five
32 thousand dollars shall be made pursuant to the requirements of the office of administration for
33 lowest and best bid. Such bids shall be subject to acceptance by the office of administration.
34 The court automation committee shall determine the specifications for such bids.

35 5. The court automation committee shall not require any circuit court to change any
36 operating system in such court, unless the committee provides all necessary personnel, funds
37 and equipment necessary to effectuate the required changes. No judicial circuit or county
38 may be reimbursed for any costs incurred pursuant to this subsection unless such judicial
39 circuit or county has the approval of the court automation committee prior to incurring the
40 specific cost.

41 6. Any court automation system, including any pilot project, shall be implemented,
42 operated and maintained in accordance with strict standards for the security and privacy of
43 confidential judicial records. Any person who knowingly releases information from a
44 confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing
45 that a judicial record is confidential, uses information from such confidential record for
46 financial gain is guilty of a class E felony.

47 7. On the first day of February, May, August and November of each year, the court
48 automation committee shall file a report on the progress of the statewide automation system
49 with:

- 50 (1) The chair of the house budget committee;
51 (2) The chair of the senate appropriations committee;

52 (3) The chair of the house judiciary committee; and

53 (4) The chair of the senate judiciary committee.

54 8. ~~[Section 488.027 shall expire on September 1, 2023.]~~ The court automation
55 committee established pursuant to this section may continue to function until completion of
56 its duties prescribed by this section~~[, but shall complete its duties prior to September 1, 2025.~~
57 ~~9. This section shall expire on September 1, 2025].~~

**476.1300. 1. Sections 476.1300 to 476.1310 shall be known and may be cited as
2 the "Judicial Privacy Act".**

3 2. As used in sections 476.1300 to 476.1310, the following terms mean:

4 (1) "Government agency", all agencies, authorities, boards, commissions,
5 departments, institutions, offices, and any other bodies politic and corporate of the state
6 created by the constitution or statute, whether in the executive, judicial, or legislative
7 branch; all units and corporate outgrowths created by executive order of the governor
8 or any constitutional officer, by the supreme court, or by resolution of the general
9 assembly; agencies, authorities, boards, commissions, departments, institutions, offices,
10 and any other bodies politic and corporate of a political subdivision, including school
11 districts; and any public governmental body as that term is defined in section 610.010;

12 (2) "Home address", a judicial officer's permanent residence and any secondary
13 residences affirmatively identified by the judicial officer, but does not include a judicial
14 officer's work address;

15 (3) "Immediate family", a judicial officer's spouse, child, adoptive child, foster
16 child, parent, or any unmarried companion of the judicial officer or other familial
17 relative of the judicial officer or the judicial officer's spouse who lives in the same
18 residence;

19 (4) "Judicial officer", actively employed, formerly employed, or retired:

20 (a) Justices of the Supreme Court of the United States;

21 (b) Judges of the United States Court of Appeals;

22 (c) Judges and magistrate judges of the United States District Courts;

23 (d) Judges of the United States Bankruptcy Court;

24 (e) Judges of the Missouri supreme court;

25 (f) Judges of the Missouri court of appeals;

26 (g) Judges and commissioners of the Missouri circuit courts, including of the
27 divisions of a circuit court; and

28 (h) Prosecuting or circuit attorney, or assistant prosecuting or circuit attorney;

29 (5) "Personal information", a home address, home telephone number, mobile
30 telephone number, pager number, personal email address, Social Security number,

31 federal tax identification number, checking and savings account numbers, credit card
32 numbers, marital status, and identity of children under eighteen years of age;

33 (6) "Publicly available content", any written, printed, or electronic document or
34 record that provides information or that serves as a document or record maintained,
35 controlled, or in the possession of a government agency that may be obtained by any
36 person or entity, from the internet, from the government agency upon request either
37 free of charge or for a fee, or in response to a request pursuant to chapter 610 or the
38 federal Freedom of Information Act, 5 U.S.C. Section 552, as amended;

39 (7) "Publicly post or display", to communicate to another or to otherwise make
40 available to the general public;

41 (8) "Written request", written or electronic notice signed by:

42 (a) A state judicial officer and submitted to the clerk of the Missouri supreme
43 court or the clerk's designee; or

44 (b) A federal judicial officer and submitted to that judicial officer's clerk of the
45 court or the clerk's designee;

46

47 that is transmitted by the applicable clerk to a government agency, person, business, or
48 association to request such government agency, person, business, or association refrain
49 from posting or displaying publicly available content that includes the judicial officer's
50 personal information.

476.1302. 1. A government agency shall not publicly post or display publicly
2 available content that includes a judicial officer's personal information, provided that
3 the government agency has received a written request that the agency refrain from
4 disclosing the judicial officer's personal information. After a government agency has
5 received a written request, the government agency shall remove the judicial officer's
6 personal information from publicly available content within five business days. After
7 the government agency has removed the judicial officer's personal information from
8 publicly available content, the government agency shall not publicly post or display the
9 judicial officer's personal information and the judicial officer's personal information
10 shall be exempted from the provisions of chapter 610, unless the government agency has
11 received written consent from the judicial officer to make the personal information
12 available to the public.

13 2. If a government agency fails to comply with a written request to refrain from
14 disclosing personal information, the judicial officer may bring an action seeking
15 injunctive or declaratory relief in any court of competent jurisdiction. If the court
16 grants injunctive or declaratory relief, the court may award costs and reasonable
17 attorney's fees to the judicial officer.

18 **3. The provisions of subsection 1 of this section shall not apply to any**
19 **government agency created under section 43.020.**

476.1304. 1. No person, business, or association shall publicly post or display on
2 **the internet publicly available content that includes a judicial officer's personal**
3 **information, provided that the judicial officer has made a written request to the person,**
4 **business, or association that it refrain from disclosing the personal information.**

5 **2. No person, business, or association shall solicit, sell, or trade on the internet a**
6 **judicial officer's personal information for purposes of tampering with a judicial officer**
7 **in violation of section 575.095 or with the intent to pose an imminent and serious threat**
8 **to the health and safety of the judicial officer or the judicial officer's immediate family.**

9 **3. As prohibited in this section, persons, businesses, or associations posting,**
10 **displaying, soliciting, selling, or trading a judicial officer's personal information on the**
11 **internet includes, but is not limited to, internet phone directories, internet search**
12 **engines, internet data aggregators, and internet service providers.**

476.1306. 1. After a person, business, or association has received a written
2 **request from a judicial officer to protect the privacy of the officer's personal**
3 **information, that person, business, or association shall have five business days to**
4 **remove the personal information from the internet.**

5 **2. After a person, business, or association has received a written request from a**
6 **judicial officer, that person, business, or association shall ensure that the judicial**
7 **officer's personal information is not made available on any website or subsidiary**
8 **website controlled by that person, business, or association.**

9 **3. After receiving a judicial officer's written request, no person, business, or**
10 **association shall make available the judicial officer's personal information to any other**
11 **person, business, or association through any medium.**

476.1308. A judicial officer whose personal information is made public as a
2 **result of a violation of sections 476.1304 to 476.1306 may bring an action seeking**
3 **injunctive or declaratory relief in any court of competent jurisdiction. If the court**
4 **grants injunctive or declaratory relief, the person, business, or association responsible**
5 **for the violation shall be required to pay the judicial officer's costs and reasonable**
6 **attorney's fees.**

476.1310. 1. No government agency, person, business, or association shall be
2 **found to have violated any provision of sections 476.1300 to 476.1310 if the judicial**
3 **officer fails to submit a written request calling for the protection of the judicial officer's**
4 **personal information.**

5 **2. A written request shall be valid if:**

6 **(1) The judicial officer sends a written request directly to a government agency,**
7 **person, business, or association; or**

8 **(2) The judicial officer complies with a Missouri supreme court rule for a state**
9 **judicial officer to file the written request with the clerk of the Missouri supreme court or**
10 **the clerk's designee to notify government agencies and such notice is properly delivered**
11 **by mail or electronic format.**

12 **3. In each quarter of a calendar year, the clerk of the Missouri supreme court or**
13 **the clerk's designee shall provide a list of all state judicial officers who have submitted a**
14 **written request under this section to the appropriate officer with ultimate supervisory**
15 **authority for a government agency. The officer shall promptly provide a copy of the list**
16 **to all government agencies under his or her supervision. Receipt of the written request**
17 **list compiled by the clerk of the Missouri supreme court or the clerk's designee by a**
18 **government agency shall constitute a written request to that government agency for the**
19 **purposes of sections 476.1300 to 476.1310.**

20 **4. The chief clerk or circuit clerk of the court where the judicial officer serves**
21 **may submit a written request on the judicial officer's behalf, provided that the judicial**
22 **officer gives written consent to the clerk and provided that the clerk agrees to furnish a**
23 **copy of that consent when a written request is made. The chief clerk or circuit clerk**
24 **shall submit the written request as provided by subsection 2 of this section.**

25 **5. A judicial officer's written request shall specify what personal information**
26 **shall be maintained as private. If a judicial officer wishes to identify a secondary**
27 **residence as a home address, the designation shall be made in the written request. A**
28 **judicial officer shall disclose the identity of his or her immediate family and indicate**
29 **that the personal information of those members of the immediate family shall also be**
30 **excluded to the extent that it could reasonably be expected to reveal the personal**
31 **information of the judicial officer. A judicial officer shall make reasonable efforts to**
32 **identify specific publicly available content in the possession of a government agency.**

33 **6. A judicial officer's written request is valid until the judicial officer provides**
34 **the government agency, person, business, or association with written consent to release**
35 **the personal information. A judicial officer's written request expires on such judicial**
36 **officer's death.**

37 **7. The provisions of sections 476.1300 to 476.1310 shall not apply to any**
38 **disclosure of personal information of a judicial officer or a member of a judicial officer's**
39 **immediate family as required by Article VIII, Section 23 of the Missouri Constitution,**
40 **sections 105.470 to 105.482, section 105.498, and chapter 130.**

476.1313. 1. Notwithstanding any other provision of law to the contrary, a
2 **recorder of deeds shall meet the requirements of the provisions of sections 476.1300 to**

3 **476.1310 by complying with this section. As used in this section, the following terms**
4 **mean:**

5 (1) "Eligible documents", documents or instruments that are maintained by and
6 located in the office of the recorder of deeds that are accessed electronically;

7 (2) "Immediate family", shall have the same meaning as in section 476.1300;

8 (3) "Indexes", indexes maintained by and located in the office of the recorder of
9 deeds that are accessed electronically;

10 (4) "Judicial officer", shall have the same meaning as in section 476.1300;

11 (5) "Recorder of deeds", shall have the same meaning as in section 59.005;

12 (6) "Shield", "shielded", or "shielding", a prohibition against the general
13 public's electronic access to eligible documents and the unique identifier and recording
14 date contained in indexes for eligible documents;

15 (7) "Written request", written or electronic notice signed by:

16 (a) A state judicial officer and submitted to the clerk of the Missouri supreme
17 court or the clerk's designee; or

18 (b) A federal judicial officer and submitted to that judicial officer's clerk of the
19 court or the clerk's designee;

20

21 that is transmitted electronically by the applicable clerk to a recorder of deeds to
22 request that eligible documents be shielded.

23 2. Written requests transmitted to a recorder of deeds shall only include
24 information specific to eligible documents maintained by that county. Any written
25 request transmitted to a recorder of deeds shall include the requesting judicial officer's
26 full legal name or legal alias and a document locator number for each eligible document
27 for which the judicial officer is requesting shielding. If the judicial officer is not a party
28 to the instrument but is requesting shielding for an eligible document in which an
29 immediate family member is a party to the instrument, the full legal name or legal alias
30 of the immediate family member shall also be provided.

31 3. Not more than five business days after the date on which the recorder of deeds
32 receives the written request, the recorder of deeds shall shield the eligible documents
33 listed in the written request. Within five business days of receipt, the recorder of deeds
34 shall electronically reply to the written request with a list of any document locator
35 numbers submitted under subsection 2 of this section not found in the records
36 maintained by that recorder of deeds.

37 4. If the full legal name or legal alias of the judicial officer or immediate family
38 member provided does not appear on an eligible document listed in the written request,
39 the recorder of deeds may electronically reply to the written request with this

40 **information. The recorder of deeds may delay shielding such eligible document until**
41 **electronic confirmation is received from the applicable court clerk or judicial officer.**

42 **5. In order to shield subsequent eligible documents, the judicial officer shall**
43 **present to the recorder of deeds at the time of recording a copy of his or her written**
44 **request. The recorder of deeds shall ensure that the eligible document is shielded within**
45 **five business days.**

46 **6. Eligible documents shall remain shielded until the recorder of deeds receives a**
47 **court order or notarized affidavit signed by the judicial officer directing the recorder of**
48 **deeds to terminate shielding.**

49 **7. The provisions of this section shall not prohibit access to a shielded eligible**
50 **document by an individual or entity that provides to the recorder of deeds a court order**
51 **or notarized affidavit signed by the judicial officer.**

52 **8. No recorder of deeds shall be liable for any damages under this section,**
53 **provided the recorder of deeds made a good faith effort to comply with the provisions of**
54 **this section. No recorder of deeds shall be liable for the release of any eligible document**
55 **or any data from any eligible document that was released or accessed prior to the**
56 **eligible document being shielded pursuant to this section.**

485.060. 1. Each court reporter for a circuit judge shall receive an annual salary of
2 twenty-six thousand nine hundred dollars beginning January 1, 1985, until December 31,
3 1985, and beginning January 1, 1986, an annual salary of thirty thousand dollars.

4 2. Such annual salary shall be modified by any salary adjustment provided by section
5 476.405.

6 3. Beginning January 1, 2022, the annual salary, as modified under section 476.405,
7 shall be adjusted upon meeting the minimum number of cumulative years of service as a court
8 reporter with a circuit court of this state by the following schedule:

9 (1) For each court reporter with zero to five years of service: the annual salary shall
10 be increased only by any salary adjustment provided by section 476.405;

11 (2) For each court reporter with six to ten years of service: the annual salary shall be
12 increased by **the whole sum of five and one-quarter percent in addition to the increase**
13 **provided by subdivision (1) of this subsection;**

14 (3) For each court reporter with eleven to fifteen years of service: the annual salary
15 shall be increased by **the whole sum of eight and one-quarter percent in addition to the**
16 **increase provided by subdivision (2) of this subsection;**

17 (4) For each court reporter with sixteen to twenty years of service: the annual salary
18 shall be increased by **the whole sum of eight and one-half percent in addition to the**
19 **increase provided by subdivision (3) of this subsection; or**

20 (5) For each court reporter with twenty-one or more years of service: the annual
21 salary shall be increased by **the whole sum of** eight and three-quarters percent **in addition to**
22 **the increase provided by subdivision (4) of this subsection.**

23

24 ~~[A court reporter may receive multiple adjustments under this subsection as his or her~~
25 ~~cumulative years of service increase, but only one percentage listed in subdivisions (1) to (5)~~
26 ~~of this subsection shall apply to the annual salary at a time.]~~

27 4. Salaries shall be payable in equal monthly installments on the certification of the
28 judge of the court or division in whose court the reporter is employed. If paid by the state, the
29 salaries of such court reporters shall be paid in semimonthly or monthly installments, as
30 designated by the commissioner of administration.

509.520. 1. Notwithstanding any provision of law to the contrary, beginning August
2 28, ~~[2009]~~ **2023**, pleadings, attachments, or exhibits filed with the court in any case, as well as
3 any judgments issued by the court, shall not include:

4 (1) The full Social Security number of any party or any child who is the subject to an
5 order of custody or support;

6 (2) The full credit card number or other financial account number of any party;

7 **(3) Any personal identifying information, including name, address, and year of**
8 **birth, of a minor and, if applicable, any next friend. Such information shall be provided**
9 **in a confidential information filing sheet contemporaneously filed with the court or**
10 **entered by the court, which shall not be subject to public inspection or availability.**

11 2. Contemporaneously with the filing of every petition for dissolution of marriage,
12 legal separation, motion for modification, action to establish paternity, and petition or motion
13 for support or custody of a minor child, the filing party shall file a confidential case filing
14 sheet with the court which shall not be subject to public inspection and which provides:

15 (1) The name and address of the current employer and the Social Security number of
16 the petitioner or movant, if a person;

17 (2) If known to the petitioner or movant, the name and address of the current
18 employer and the Social Security number of the respondent; and

19 (3) The names, dates of birth, and Social Security numbers of any children subject to
20 the action.

21 3. Contemporaneously with the filing of every responsive pleading petition for
22 dissolution of marriage, legal separation, motion for modification, action to establish
23 paternity, and petition or motion for support or custody of a minor child, the responding party
24 shall file a confidential case filing sheet with the court which shall not be subject to public
25 inspection and which provides:

26 (1) The name and address of the current employer and the Social Security number of
27 the responding party, if a person;

28 (2) If known to the responding party, the name and address of the current employer
29 and the Social Security number of the petitioner or movant; and

30 (3) The names, dates of birth, and Social Security numbers of any children subject to
31 the action.

32 4. The full Social Security number of any party or child subject to an order of custody
33 or support shall be retained by the court on the confidential case filing sheet or other
34 confidential record maintained in conjunction with the administration of the case. The full
35 credit card number or other financial account number of any party may be retained by the
36 court on a confidential record if it is necessary to maintain the number in conjunction with the
37 administration of the case.

38 5. Any document described in subsection 1 of this section shall, in lieu of the full
39 number, include only the last four digits of any such number.

40 6. Except as provided in section 452.430, the clerk shall not be required to redact any
41 document described in subsection 1 of this section issued or filed before August 28, 2009,
42 prior to releasing the document to the public.

43 7. For good cause shown, the court may release information contained on the
44 confidential case filing sheet; except that, any state agency acting under authority of chapter
45 454 shall have access to information contained herein without court order in carrying out their
46 official duty.

565.240. 1. A person commits the offense of unlawful posting of certain information
2 over the internet if he or she knowingly posts the name, home address, Social Security
3 number, telephone number, or any other personally identifiable information of any person on
4 the internet intending to cause great bodily harm or death, or threatening to cause great bodily
5 harm or death to such person.

6 2. The offense of unlawful posting of certain information over the internet is a class C
7 misdemeanor, unless the person knowingly posts on the internet the name, home address,
8 Social Security number, telephone number, or any other personally identifiable information of
9 any law enforcement officer, corrections officer, parole officer, judge, commissioner, or
10 prosecuting attorney, or of any immediate family member of such law enforcement officer,
11 corrections officer, parole officer, judge, commissioner, or prosecuting attorney, intending to
12 cause great bodily harm or death, or threatening to cause great bodily harm or death, in which
13 case it is a class E felony, **and if such intention or threat results in bodily harm or death**
14 **to such person or immediate family member, the offense of unlawful posting of certain**
15 **information over the internet is a class D felony.**

2 ~~[488.650. There shall be assessed as costs a surcharge in the amount of~~
3 ~~two hundred fifty dollars on all petitions for expungement filed under the~~
4 ~~provisions of section 610.140. The judge may waive the surcharge if the~~
5 ~~petitioner is found by the judge to be indigent and unable to pay the costs.~~
6 ~~Such surcharge shall be collected and disbursed by the clerk of the court as~~
7 ~~provided by sections 488.010 to 488.020. Moneys collected from this~~
 ~~surcharge shall be payable to the general revenue fund.]~~

✓