

FIRST REGULAR SESSION

# HOUSE BILL NO. 677

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE COPELAND.

1534H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 37.725, RSMo, and to enact in lieu thereof one new section relating to disclosures made by the office of child advocate.

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

Section A. Section 37.725, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 37.725, to read as follows:

37.725. 1. Any files maintained by the advocate program shall be disclosed only at the discretion of the child advocate; except that the identity of any complainant or recipient shall not be disclosed by the office unless:

(1) The complainant or recipient, or the complainant's or recipient's legal representative, consents in writing to such disclosure; ~~[or]~~

(2) Such disclosure is required by court order; or

(3) **The disclosure is at the request of law enforcement as part of an investigation.**

2. Any statement or communication made by the office relevant to a complaint received by, proceedings before, or activities of the office and any complaint or information made or provided in good faith by any person shall be absolutely privileged and such person shall be immune from suit.

3. Any representative of the office conducting or participating in any examination of a complaint who knowingly and willfully discloses to any person other than the office, or those persons authorized by the office to receive it, the name of any witness examined or any information obtained or given during such examination is guilty of a class A misdemeanor.

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 However, the office conducting or participating in any examination of a complaint shall  
18 disclose the final result of the examination with the consent of the recipient.

19 4. The office shall not be required to testify in any court with respect to matters held  
20 to be confidential in this section except as the court may deem necessary to enforce the  
21 provisions of sections 37.700 to 37.730, or where otherwise required by court order.

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