

FIRST REGULAR SESSION

HOUSE BILL NO. 311

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOK.

0923H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 559.125, RSMo, and to enact in lieu thereof one new section relating to privileged information.

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

Section A. Section 559.125, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 559.125, to read as follows:

559.125. 1. The clerk of the court shall keep in a permanent file all applications for probation or parole by the court, and shall keep in such manner as may be prescribed by the court complete and full records of all presentence investigations requested, probations or paroles granted, revoked or terminated and all discharges from probations or paroles. All court orders relating to any presentence investigation requested and probation or parole granted under the provisions of this chapter and sections 558.011 and 558.026 shall be kept in a like manner, and, if the defendant subject to any such order is subject to an investigation or is under the supervision of the division of probation and parole, a copy of the order shall be sent to the division of probation and parole. In any county where a parole board ceases to exist, the clerk of the court shall preserve the records of that parole board.

2. Information and data obtained by a probation or parole officer shall be privileged information and shall not be receivable in any court. Such information shall not be disclosed directly or indirectly to anyone other than the members of a parole board and the judge entitled to receive reports, except the court, the division of probation and parole, or the parole board may in its discretion permit the inspection of the report, or parts of such report, by the defendant, or offender or his or her attorney, or other person having a proper interest therein.

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 **Information and data obtained by a probation or parole officer is privileged**
18 **information not receivable in any court unless for lawful criminal matters.**

19 3. The provisions of subsection 2 of this section notwithstanding, the presentence
20 investigation report shall be made available to the state and all information and data obtained
21 in connection with preparation of the presentence investigation report may be made available
22 to the state at the discretion of the court upon a showing that the receipt of the information
23 and data is in the best interest of the state.

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