

FIRST REGULAR SESSION

HOUSE BILL NO. 1457

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HINMAN.

3048H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313, 575.095, and 575.260, RSMo, and to enact in lieu thereof nine new sections relating to judicial security, with penalty provisions.

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

Section A. Sections 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313, 575.095, and 575.260, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313, 575.095, and 575.260, to read as follows:

476.1300. 1. Sections 476.1300 to ~~476.1310~~ **476.1313** shall be known and may be cited as the "Judicial Privacy Act".

2. As used in sections 476.1300 to ~~476.1310~~ **476.1313**, the following terms mean:

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

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

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 (3) "Immediate family", a judicial officer's spouse, child, adoptive child, foster child,
16 parent, or any unmarried companion of the judicial officer or other familial relative of the
17 judicial officer or the judicial officer's spouse who lives in the same residence;
18 (4) "Judicial officer", actively employed, formerly employed, or retired:
19 (a) Justices of the Supreme Court of the United States;
20 (b) Judges of the United States Court of Appeals;
21 (c) Judges and magistrate judges of the United States District Courts;
22 (d) Judges of the United States Bankruptcy Court;
23 (e) Judges of the Missouri supreme court;
24 (f) Judges of the Missouri court of appeals;
25 (g) Judges and commissioners of the Missouri circuit courts, including of the
26 divisions of a circuit court; ~~and~~
27 (h) Prosecuting or circuit attorney, or assistant prosecuting or circuit attorney; **and**
28 **(i) Circuit clerks, deputy circuit clerks, division clerks, and municipal clerks;**
29 (5) "Personal information", a home address, home telephone number, mobile
30 telephone number, pager number, personal email address, Social Security number, federal tax
31 identification number, checking and savings account numbers, credit card numbers, marital
32 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 person
36 or entity, from the internet, from the government agency upon request either free of charge or
37 for a fee, or in response to a request pursuant to chapter 610 or the federal Freedom of
38 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 court or
43 the clerk's designee; or
44 (b) A federal judicial officer and submitted to that judicial officer's clerk of the court
45 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 from~~
49 ~~posting or displaying publicly available content that includes the judicial officer's personal~~
50 ~~information]~~.

476.1302. 1. A government agency shall not publicly post or display publicly available content that includes a judicial officer's personal information, provided that the government agency has received a written request that the agency refrain from disclosing the judicial officer's personal information. After a government agency has received a written request, the government agency shall remove the judicial officer's personal information from publicly available content within five business days. After the government agency has removed the judicial officer's personal information from publicly available content, the government agency shall not publicly post or display the judicial officer's personal information and the judicial officer's personal information shall be exempted from the provisions of chapter 610, unless the government agency has received a written ~~[consent from the judicial officer]~~ **request** to make the personal information available to the public.

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

3. The provisions of ~~[subsection 1 of]~~ this section shall not apply to ~~[any government agency created under section 43.020]~~ **a judicial officer's personal information present in records of proceedings of any court of this state contained within any statewide court automation system, which shall be governed by rules promulgated by the supreme court.**

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

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

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

476.1306. 1. After a person, business, or association has received a written request ~~[from a judicial officer]~~ to protect the privacy of the **judicial** officer's personal information,

3 that person, business, or association shall have five business days to remove the personal
4 information from the internet.

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

10 3. After receiving a ~~[judicial officer's]~~ written request **to protect the privacy of the**
11 **judicial officer's personal information**, no person, business, or association shall make
12 available the judicial officer's personal information to any other person, business, or
13 association through any medium.

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

476.1310. 1. No government agency, person, business, or association shall be found
2 to have violated any provision of sections 476.1300 to ~~[476.1310]~~ **476.1313** if the ~~[judicial~~
3 ~~officer fails to submit]~~ **government agency, person, business, or association has not**
4 **received a valid** written request calling for the protection of the judicial officer's personal
5 information.

6 2. A written request shall be valid if:

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

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

13 3. In each quarter of a calendar year, the clerk of the Missouri supreme court or the
14 clerk's designee shall provide a list of all state judicial officers who have submitted a written
15 request under this section to the appropriate officer with ultimate supervisory authority for a
16 government agency. The officer shall promptly provide a copy of the list to all government
17 agencies under his or her supervision. Receipt of the written request list compiled by the
18 clerk of the Missouri supreme court or the clerk's designee by a government agency shall
19 constitute a written request to that government agency for the purposes of sections 476.1300
20 to ~~[476.1310]~~ **476.1313**.

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

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

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

38 7. The provisions of sections 476.1300 to ~~[476.1310]~~ **476.1313** shall not apply to any
39 disclosure of personal information of a judicial officer or a member of a judicial officer's
40 immediate family as required by Article VIII, Section 23 of the Missouri Constitution,
41 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 recorder
2 of deeds shall meet the requirements of the provisions of sections 476.1300 to 476.1310 by
3 complying with this section. As used in this section, the following terms mean:

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

6 (2) ~~["Immediate family" shall have the same meaning as in section 476.1300;~~

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

9 ~~[(4) "Judicial officer" shall have the same meaning as in section 476.1300;~~

10 ~~(5)~~ (3) "Recorder of deeds" shall have the same meaning as in section 59.005;

11 ~~[(6)]~~ (4) "Shield", "shielded", or "shielding", a prohibition against the general public's
12 electronic access to eligible documents and the unique identifier and recording date contained
13 in indexes for eligible documents;

14 ~~[(7)]~~ (5) "Written request", written or electronic notice signed by:

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

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

19

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

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

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

36 4. If the full legal name or legal alias of the judicial officer or immediate family
37 member provided does not appear on an eligible document listed in the written request, the
38 recorder of deeds may electronically reply to the written request with this information. The
39 recorder of deeds may delay shielding such eligible document until electronic confirmation is
40 received from the applicable court clerk or judicial officer.

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

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

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

50 8. No recorder of deeds shall be liable for any damages under this section, provided
51 the recorder of deeds made a good faith effort to comply with the provisions of this section.
52 No recorder of deeds shall be liable for the release of any eligible document or any data from

53 any eligible document that was released or accessed prior to the eligible document being
54 shielded pursuant to this section.

575.095. 1. A person commits the offense of tampering with a judicial officer if, with
2 the purpose to harass, intimidate or influence a judicial officer in the performance of such
3 officer's official duties, such person:

4 (1) Threatens or causes harm to such judicial officer or members of such judicial
5 officer's family;

6 (2) Uses force, threats, or deception against or toward such judicial officer or
7 members of such judicial officer's family;

8 (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such
9 judicial officer or such judicial officer's family;

10 (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer
11 or such judicial officer's family, including stalking pursuant to section 565.225 or 565.227;

12 (5) Disseminates through any means, including by posting on the internet, the judicial
13 officer's or the judicial officer's family's personal information. For purposes of this section,
14 "personal information" includes a home address, home or mobile telephone number, personal
15 email address, Social Security number, federal tax identification number, checking or savings
16 account number, marital status, and identity of a child under eighteen years of age.

17 2. A judicial officer for purposes of this section shall be a judge or commissioner of a
18 state or federal court, arbitrator, special master, juvenile officer, deputy juvenile officer, state
19 prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, juvenile court
20 commissioner, state probation or parole officer, or referee.

21 3. A judicial officer's family for purposes of this section shall be:

22 (1) Such officer's spouse; or

23 (2) Such officer or such officer's spouse's ancestor or descendant by blood or
24 adoption; or

25 (3) Such officer's stepchild, while the marriage creating that relationship exists.

26 4. The offense of tampering with a judicial officer is a class D felony.

27 5. If a violation of this section results in death or bodily injury to a judicial officer or a
28 member of the judicial officer's family, the offense is a class B felony.

29 **6. No person convicted under this section shall be eligible for parole, probation,**
30 **or conditional release.**

575.260. 1. A person commits the offense of tampering with a judicial proceeding if,
2 with the purpose to influence the official action of a judge, juror, special master, referee,
3 arbitrator, state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney,
4 or attorney general in a judicial proceeding, he or she:

5 (1) Threatens or causes harm to any person or property; or

6 (2) Engages in conduct reasonably calculated to harass or alarm such official or juror;
7 or

8 (3) Offers, confers, or agrees to confer any benefit, direct or indirect, upon such
9 official or juror.

10 2. The offense of tampering with a judicial proceeding is a class D felony. **No person**
11 **convicted under this section shall be eligible for parole, probation, or conditional**
12 **release.**

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