

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1457
103RD GENERAL ASSEMBLY

3048H.03C

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A. Sections 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313, 575.095, and 575.260, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313, 575.095, and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) **"Court-related officer", an actively employed, a formerly employed, or a retired:**
- (a) **Justice of the Supreme Court of the United States;**
 - (b) **Judge of the United States Court of Appeals;**
 - (c) **Judge or magistrate judge of the United States District Courts;**
 - (d) **Judge of the United States Bankruptcy Court;**
 - (e) **Judge of the supreme court of Missouri;**
 - (f) **Judge of the Missouri court of appeals;**
 - (g) **Judge or commissioner of the Missouri circuit courts, including of the divisions of a circuit court;**
 - (h) **Prosecuting or circuit attorney, or assistant prosecuting or circuit attorney;**

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 (i) **Circuit clerk, court administrator, deputy circuit clerk, division clerk, or**
16 **municipal clerk; and**

17 (j) **Juvenile officer or chief deputy juvenile officer;**

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

26 ~~[(2)]~~ (3) "Home address", a ~~[judicial]~~ **court-related** officer's permanent residence and
27 any secondary residences affirmatively identified by the ~~[judicial]~~ **court-related** officer, but
28 does not include a ~~[judicial]~~ **court-related** officer's work address;

29 ~~[(3)]~~ (4) "Immediate family", a ~~[judicial]~~ **court-related** officer's spouse, child,
30 adoptive child, foster child, parent, or any unmarried companion of the ~~[judicial]~~ **court-**
31 **related** officer or other familial relative of the ~~[judicial]~~ **court-related** officer or the ~~[judicial]~~
32 **court-related** officer's spouse who lives in the same residence;

33 ~~[(4)] "Judicial officer", actively employed, formerly employed, or retired:~~

34 ~~(a) Justices of the Supreme Court of the United States;~~

35 ~~(b) Judges of the United States Court of Appeals;~~

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

37 ~~(d) Judges of the United States Bankruptcy Court;~~

38 ~~(e) Judges of the Missouri supreme court;~~

39 ~~(f) Judges of the Missouri court of appeals;~~

40 ~~(g) Judges and commissioners of the Missouri circuit courts, including of the~~
41 ~~divisions of a circuit court; and~~

42 ~~(h) Prosecuting or circuit attorney, or assistant prosecuting or circuit attorney;]~~

43 (5) "Personal information", a home address, home telephone number, mobile
44 telephone number, pager number, personal email address, Social Security number, federal tax
45 identification number, checking and savings account numbers, credit card numbers, marital
46 status, and identity of children under eighteen years of age;

47 (6) "Publicly available content", any written, printed, or electronic document or
48 record that provides information or that serves as a document or record maintained,
49 controlled, or in the possession of a government agency that may be obtained by any person
50 or entity, from the internet, from the government agency upon request either free of charge or

51 for a fee, or in response to a request pursuant to chapter 610 or the federal Freedom of
52 Information Act, 5 U.S.C. Section 552, as amended;

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

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

56 (a) A state ~~[judicial]~~ **court-related** officer and submitted to the clerk of the Missouri
57 supreme court or the clerk's designee; or

58 (b) A federal ~~[judicial]~~ **court-related** officer and submitted to that ~~[judicial]~~ **court-**
59 **related** officer's clerk of the court or the clerk's designee;

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61 that is transmitted by the applicable clerk to a government agency, person, business, or
62 association ~~[to request such government agency, person, business, or association refrain from~~
63 ~~posting or displaying publicly available content that includes the judicial officer's personal~~
64 ~~information]~~.

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

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

19 3. The provisions of ~~[subsection 1 of]~~ this section shall not apply to any government
20 agency created under section 43.020 **or to a court-related officer's personal information**
21 **present in records of proceedings of any court of this state contained within any**
22 **statewide court automation system, which shall be governed by rules promulgated by**
23 **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]~~ **court-related** 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]~~ **court-related** officer's personal information for purposes of tampering with a ~~[judicial]~~ **court-related** 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]~~ **court-related** officer or the ~~[judicial]~~ **court-related** officer's immediate family.

3. As prohibited in this section, persons, businesses, or associations posting, displaying, soliciting, selling, or trading a ~~[judicial]~~ **court-related** 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 **court-related** officer's personal information, that person, business, or association shall have five business days to remove the personal information from the internet.

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

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

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

476.1310. 1. No government agency, person, business, or association shall be found to have violated any provision of sections 476.1300 to ~~[476.1310]~~ **476.1313** if the ~~[judicial 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]~~ **court-related**
5 officer's personal information.

6 2. A written request shall be valid if:

7 (1) The ~~[judicial]~~ **court-related** officer sends a written request directly to a
8 government agency, person, business, or association; or

9 (2) The ~~[judicial]~~ **court-related** officer complies with a Missouri supreme court rule
10 for a state ~~[judicial]~~ **court-related** officer to file the written request with the clerk of the
11 Missouri supreme court or the clerk's designee to notify government agencies and such notice
12 is properly delivered by mail 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]~~ **court-related** officers who have
15 submitted a written request under this section to the appropriate officer with ultimate
16 supervisory authority for a government agency. The officer shall promptly provide a copy of
17 the list to all government agencies under his or her supervision. Receipt of the written request
18 list compiled by the clerk of the Missouri supreme court or the clerk's designee by a
19 government agency shall constitute a written request to that government agency for the
20 purposes of sections 476.1300 to ~~[476.1310]~~ **476.1313**.

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

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

36 6. A ~~[judicial]~~ **court-related** officer's written request is valid until the ~~[judicial]~~
37 **court-related** officer provides the government agency, person, business, or association with
38 written consent to release the personal information. A ~~[judicial]~~ **court-related** officer's
39 written request expires on such ~~[judicial]~~ **court-related** officer's death.

40 7. The provisions of sections 476.1300 to ~~[476.1310]~~ **476.1313** shall not apply to any
41 disclosure of personal information of a ~~[judicial]~~ **court-related** officer or a member of a
42 ~~[judicial]~~ **court-related** officer's immediate family as required by Article VIII, Section 23 of
43 the Missouri Constitution, 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)]~~ (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]~~ **document locator**
13 **number, address, property description**, and recording date contained in indexes for eligible
14 documents; **except that, nothing in this definition shall prohibit a recorder of deeds from**
15 **attaching a notice to the grantor's name in the indexes indicating a document is**
16 **shielded;**

17 ~~[(7)]~~ (5) "Written request", written or electronic notice signed by:

18 (a) A state ~~[judicial]~~ **court-related** officer and submitted to the clerk of the Missouri
19 supreme court or the clerk's designee; or

20 (b) A federal ~~[judicial]~~ **court-related** officer and submitted to that ~~[judicial]~~ **court-**
21 **related** officer's clerk of the court or the clerk's designee;

22

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

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

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

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

45 5. In order to shield subsequent eligible documents, the ~~[judicial]~~ **court-related**
46 officer shall present to the recorder of deeds at the time of recording a copy of his or her
47 written request. The recorder of deeds shall ensure that the eligible document is shielded
48 within five business days.

49 6. Eligible documents shall remain shielded until the recorder of deeds receives a
50 court order or notarized affidavit signed by the ~~[judicial]~~ **court-related** officer directing the
51 recorder of deeds to terminate shielding.

52 7. The provisions of this section shall not prohibit access to a shielded eligible
53 document by **a party to the instrument or** an individual or entity that provides to the
54 recorder of deeds a court order or notarized affidavit signed by the ~~[judicial]~~ **court-related**
55 officer.

56 8. No recorder of deeds shall be liable for any damages under this section, provided
57 the recorder of deeds made a good faith effort to comply with the provisions of this section.
58 No recorder of deeds shall be liable for the release of any eligible document or any data from
59 any eligible document that was released or accessed prior to the eligible document being
60 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.**