

SECOND REGULAR SESSION

HOUSE BILL NO. 1633

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE OVERCAST.

4206H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 544, RSMo, by adding thereto one new section relating to public access to arrest warrant records.

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

Section A. Chapter 544, RSMo, is amended by adding thereto one new section, to be known as section 544.075, to read as follows:

544.075. 1. As used in this section, the following terms mean:

(1) "Covered offense", includes the following:

(a) Any felony classified as a class A or class B felony under Missouri law;

(b) Any dangerous felony as defined in section 556.061; or

(c) Any offense under chapter 566 involving a victim under eighteen years of age;

(2) "Public access system", any online or electronic case management system operated or maintained by the Missouri judiciary or its designees.

2. Notwithstanding any other provision of law, any arrest warrant, probable cause affidavit, or associated court record issued in connection with a covered offense shall not be made available to the public through any public access system until:

(1) The warrant has been executed and the accused has been taken into custody; or

(2) A prosecuting attorney files a written motion and the court, upon good cause shown, determines that public disclosure of the warrant is necessary to protect public safety or advance the administration of justice.

3. The provisions of subsection 2 of this section shall not apply to:

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.

- 18 (1) Law enforcement officers, prosecuting attorneys, defense attorneys, or court
19 personnel engaged in the investigation, prosecution, or defense of a case;
- 20 (2) The accused or his or her attorney, upon execution of the warrant and
21 initiation of proceedings;
- 22 (3) The victim or victim's advocate; or
- 23 (4) Any person authorized by court order.
- 24 4. Nothing in this section shall be construed to limit the court's authority to:
- 25 (1) Issue protective orders safeguarding the identity of a victim;
- 26 (2) Seal additional portions of the record to prevent undue harm or
27 retraumatization of victims; or
- 28 (3) Release limited information necessary to aid in locating a fugitive, provided
29 the accused's rights are not prejudiced.
- 30 5. Court clerks, judges, and state or local officials shall not be held civilly or
31 criminally liable for restricting access to information in good faith compliance with this
32 section.
- 33 6. The office of state courts administrator shall promulgate rules and procedures
34 to ensure compliance with this section, including the implementation of technical
35 controls for the public access system. Any rule or portion of a rule, as that term is
36 defined in section 536.010, that is created under the authority delegated in this section
37 shall become effective only if it complies with and is subject to all of the provisions of
38 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
39 nonseverable and if any of the powers vested with the general assembly pursuant to
40 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
41 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
42 proposed or adopted after August 28, 2026, shall be invalid and void.
- 43 7. The provisions of this section amend court operating rule 2.04 relating to
44 access to case records, and the provisions of this section shall govern if there is a conflict
45 between this section and court operating rule 2.04 as it relates to public access to arrest
46 warrant records.