

SECOND REGULAR SESSION

SENATE BILL NO. 686

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR STEELMAN.

Pre-filed December 1, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3178S.011

AN ACT

To amend chapter 610, RSMo, by adding thereto one new section relating to court records.

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

Section A. Chapter 610, RSMo, is amended by adding thereto one new section, to be known as section 610.040, to read as follows:

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

- (1) "Party", a party of record in the civil action;**
- (2) "Records", all documents, instruments and things which constitute or are related to a civil action, including, but not limited to all documents produced in response to discovery, pleadings, claims, applications, answers, replies, court dockets, motions, memoranda, forms, notices, rulings, orders, judgments, depositions, transcripts, interrogatories, requests for production, admissions, exhibits, consents, settlements, waivers, dismissals and withdrawals; except documents determined by the court to be work product.**

2. Records filed with the courts of this state in civil actions or records produced or maintained by the parties in such actions shall be open and available for inspection, copying or viewing by the public, with the exception of those records which a court of competent jurisdiction orders sealed pursuant to subsections 3, 4 or 5 of this section. Access to records of the courts of this state shall be governed

by the provisions of this chapter. The clerk of the court shall maintain sealed records in a restricted area apart from the case file to which the public has access. Unless the docket in the civil action reflects prior entry of an order to file under seal or the party offering a record presents the clerk with an order of the court authorizing a filing under seal, all records received in the office of the clerk shall be filed in the public record of a civil action.

3. All records of juvenile courts shall be and remain sealed pursuant to section 211.321, RSMo, and Supreme Court Rule 122. Records of the office of chief disciplinary counsel, commission on retirement, removal and discipline shall be and remain sealed pursuant to Supreme Court Rules 5.31 and 12.13.

4. Only upon written motion filed by any party may a court order that a record filed or to be filed, or produced or to be produced, in a civil action be received and maintained by the court clerk or the requesting party under seal until such time as the court orders the record to be opened. The court may only seal a record, whether before or after such record is filed or produced, if the court determines that good cause exists based upon a showing that the request is narrowly tailored and that no less restrictive means exist to protect disclosure of prejudicial or confidential information and that:

(1) The information requested to be sealed is a trade secret or other confidential research, development, or commercial information; and

(2) Public disclosure of the record or proceeding would subject any party to undue harassment, embarrassment, annoyance, humiliation, oppression, burden or expense; and

(3) An interest exists which substantially outweighs the right of public access to the information contained in the record and the overriding interest will be imminently compromised if the record is not sealed.

5. Upon written motion filed by any party, the court may order that any final settlement filed in a civil action be received and maintained by the court clerk under seal until said time as the court orders the record to be opened.

6. If any sealed records are relevant to any other proceedings in

another court of competent jurisdiction, or such sealed records may be reasonably calculated to lead to discovery of relevant matters in such other proceeding, the court with jurisdiction of such other proceeding shall order that such sealed records be made available to the party seeking the same, and may make such further orders as are appropriate under the circumstances regarding any further disclosure of such information.

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