

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend _____ Bill No. _____, Page _____, Section _____, Line _____,

by inserting after all of said line the following:

"510.035. 1. Except as provided in subsection 2 of this section, any visual or aural recordings or photographs of a minor who is alleged to be the victim of an offense under chapter 566 created by or in the possession of a child assessment center, health care provider, or multidisciplinary team member shall not be copied or distributed to any person or entity, unless required by supreme court rule 25.03 or if a court orders such copying or distribution upon a showing of good cause after notice and a hearing and after considering the safety and privacy interests of any victim.

2. The following persons or entities may access or share any copies of visual or aural recordings or photographs as described in subsection 1 of this section for the following purposes:

(1) Multidisciplinary team members as part of an investigation, as well as for the provision of protective or preventive social services for minors and their families. For purposes of this section, multidisciplinary team members shall consist of representatives of law enforcement, the children's division, the prosecuting attorney, the child assessment center,

1 the juvenile office, and the health care provider;

2 (2) Department of social services employees and their legal
3 counsel as part of the provision of child protection as described
4 in section 210.109, as well as for use in administrative
5 proceedings as established by department regulations or through
6 the administrative hearing commission as provided under section
7 621.075;

8 (3) Department of mental health employees and their legal
9 counsel as part of an investigation conducted under section
10 630.167, as well as for use in administrative proceedings as
11 established by department regulations or through the
12 administrative hearing commission as provided under section
13 621.075;

14 (4) The office of child advocate as part of a review under
15 section 37.710;

16 (5) The child abuse and neglect review board as part of a
17 review under sections 210.152 and 210.153; and

18 (6) The attorney general as part of a legal proceeding.

19 3. If a court orders the copying or distribution of visual
20 or aural recordings or photographs as described in subsection 1
21 of this section, the order shall:

22 (1) Be limited solely to the use of the recordings or
23 photographs for the purposes of a pending court proceeding or in
24 preparation for a pending court proceeding;

25 (2) Prohibit further copying, reproduction, or distribution
26 of the recordings or photographs; and

27 (3) Require, upon the final disposition of the case, the
28 return of all copies to the health care provider, child
29 assessment center or multidisciplinary team member that

1 originally had possession of the recordings or photographs, or
2 provide an affidavit to the health care provider, child
3 assessment center, or multidisciplinary team member that
4 originally had possession of the recordings or photographs
5 certifying that all copies have been destroyed.

6 4. Nothing in this section shall prohibit multidisciplinary
7 team members from exercising discretion to grant access to
8 viewing, but not copying, the visual or aural recordings or
9 photographs."; and

10 Further amend said bill, Page _____, Section _____, Line
11 _____, by inserting after all of said section and line the
12 following:

13 "545.950. 1. Except as provided by subsection 2 of this
14 section, the defendant, the defendant's attorney, or an
15 investigator, expert, consulting legal counsel, or other agent of
16 the defendant's attorney shall not copy or distribute to a third
17 party any visual or aural recordings or photographs of a minor
18 who is alleged to be the victim of an offense under chapter 566
19 created by or in the possession of a child assessment center,
20 health care provider, or multidisciplinary team member unless a
21 court orders the copying or distribution upon a showing of good
22 cause after notice and a hearing and after considering the safety
23 and privacy interests of any victim.

24 2. The defendant's attorney or an investigator, expert,
25 consulting legal counsel, or agent for the defendant's attorney
26 may allow a defendant, witness, or prospective witness to view
27 the information provided under this section, but shall not allow
28 such person to have copies of the information provided.

29 3. If a court orders the copying or distribution of visual

1 or aural recordings or photographs as described in subsection 1
2 of this section, the order shall:

3 (1) Be limited solely to the use of the recordings or
4 photographs for the purposes of a pending court proceeding or in
5 preparation for a pending court proceeding;

6 (2) Prohibit further copying, reproduction, or distribution
7 of the recordings or photographs; and

8 (3) Require, upon the final disposition of the case, the
9 return of all copies to the health care provider, child
10 assessment center, or multidisciplinary team member that
11 originally had possession of the recordings or photographs, or
12 provide an affidavit to the health care provider, child
13 assessment center, or multidisciplinary team member that
14 originally had possession of the recordings or photographs
15 certifying that all copies have been destroyed."; and

16 Further amend said bill, Page _____, Section _____, Line
17 _____, by inserting after all of said section and line the
18 following:

19 "595.226. 1. After August 28, 2007, any information
20 contained in any court record, whether written or published on
21 the internet, including any visual or aural recordings that could
22 be used to identify or locate any victim of an offense under
23 chapter 566 or a victim of domestic assault or stalking shall be
24 closed and redacted from such record prior to disclosure to the
25 public. Identifying information shall include the name, home or
26 temporary address, telephone number, Social Security number,
27 place of employment, or physical characteristics, including an
28 unobstructed visual image of the victim's face or body.

29 2. If the court determines that a person or entity who is

1 requesting identifying information of a victim has a legitimate
2 interest in obtaining such information, the court may allow
3 access to the information, but only if the court determines that
4 disclosure to the person or entity would not compromise the
5 welfare or safety of such victim, and only after providing
6 reasonable notice to the victim and after allowing the victim the
7 right to respond to such request.

8 3. Notwithstanding the provisions of subsection 1 of this
9 section, the judge presiding over a case under chapter 566, or a
10 case of domestic assault or stalking shall have the discretion to
11 publicly disclose identifying information regarding the defendant
12 which could be used to identify or locate the victim of the
13 crime. The victim may provide a statement to the court regarding
14 whether he or she desires such information to remain closed.
15 When making the decision to disclose such information, the judge
16 shall consider the welfare and safety of the victim and any
17 statement to the court received from the victim regarding the
18 disclosure.";

19 Further amend the title and enacting clause accordingly.