

SECOND REGULAR SESSION

# SENATE BILL NO. 971

98TH GENERAL ASSEMBLY

---

---

INTRODUCED BY SENATOR DIXON.

Read 1st time January 25, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6070S.01I

---

---

## AN ACT

To repeal section 595.226, RSMo, and to enact in lieu thereof four new sections relating to the records of victims of sexual offenses.

---

---

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

Section A. Section 595.226, RSMo, is repealed and four new sections  
2 enacted in lieu thereof, to be known as sections 510.035, 545.950, 595.226, and  
3 595.227, to read as follows:

**510.035. 1. Except as provided in subsection 2 of this section, any**  
2 **visual or aural recordings or photographs of a minor or his or her body**  
3 **who is alleged to be the victim of an offense under chapter 566 created**  
4 **by or in the possession of a child assessment center, health care**  
5 **provider, or multidisciplinary investigation team member shall not be**  
6 **disclosed unless required by supreme court rule 25.03 or a court orders**  
7 **the disclosure upon a showing of good cause after notice and a hearing**  
8 **and after considering the safety and privacy interests of any victim.**

9 **2. Notwithstanding any rule or provision of law, a person who is**  
10 **party or has a legitimate interest in a court proceeding involving a**  
11 **victim of an offense under chapter 566 who was a minor at the time**  
12 **such offense occurred may view any visual or aural recordings or**  
13 **photographs of a minor or his or her body who is alleged to be the**  
14 **victim of an offense under chapter 566 created by or in the possession**  
15 **of a child assessment center or hospital, but no such person shall**  
16 **obtain copies of the information provided in this subsection without a**  
17 **court order or as required by supreme court rule 25.03.**

18 **3. Members of the multidisciplinary investigation team may**  
19 **share the visual or aural recordings of the child's statements or**  
20 **photographs with other members of the multidisciplinary investigation**

21 team for the purposes of investigation, related child protection court  
22 proceedings, or prosecution; the office of the child advocate as a part  
23 of a review under section 37.710; or the child abuse and neglect review  
24 board, as part of a review under section 210.153.

25 4. If a court orders the copying of visual or aural recordings or  
26 photographs as described in subsection 1 of this section, the order  
27 shall:

28 (1) Be limited solely to the use of the recordings or photographs  
29 for the purposes of a current court proceeding or in preparation for a  
30 pending court proceeding;

31 (2) Prohibit further copying, reproduction, or dissemination of  
32 the recordings or photographs;

33 (3) Prohibit the moving party's counsel of record or specified  
34 experts from allowing any other person to have copies of the recordings  
35 or photographs without a court order; and

36 (4) Require the return of the copies to the health care provider,  
37 child assessment center, or multidisciplinary investigation team  
38 member upon the final disposition of the case.

545.950. 1. Except as provided by subsection 2 of this section, the  
2 defendant, the defendant's attorney, or an investigator, expert,  
3 consulting legal counsel, or other agent of the defendant's attorney  
4 shall not disclose to a third party any visual or aural recordings or  
5 photographs of a minor or his or her body who is alleged to be the  
6 victim of an offense under chapter 566 created by or in the possession  
7 of a child assessment center, health care provider, or multidisciplinary  
8 team member unless a court orders the disclosure upon a showing of  
9 good cause after notice and a hearing and after considering the safety  
10 and privacy interests of any victim.

11 2. The defendant's attorney or an investigator, expert, consulting  
12 legal counsel, or agent for the defendant's attorney may allow a  
13 defendant, witness, or prospective witness to view the information  
14 provided under this section, but shall not allow such person to have  
15 copies of the information provided.

595.226. 1. After August 28, 2007, any information contained in any court  
2 record, whether written or published on the internet, **including any visual or**  
3 **aural recordings**, that could be used to identify or locate any victim of an  
4 offense under chapter 566 or a victim of domestic assault or stalking shall be

5 closed and redacted from such record prior to disclosure to the public. Identifying  
6 information shall include the name, home or temporary address, telephone  
7 number, Social Security number, place of employment, or physical characteristics,  
8 **including an unobstructed visual image of the victim's face or body.**

9         2. If the court determines that a person or entity who is requesting  
10 identifying information of a victim has a legitimate interest in obtaining such  
11 information, the court may allow access to the information, but only if the court  
12 determines that disclosure to the person or entity would not compromise the  
13 welfare or safety of such victim, and only after providing reasonable notice to the  
14 victim and after allowing the victim the right to respond to such request.

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

**595.227. Any court records identifying any person who was a  
2 victim of a crime under chapter 566 and a minor at the time the offense  
3 was committed shall be closed for inspection, and the contents shall not  
4 be disclosed except by order of the court to persons having a legitimate  
5 interest therein.**

✓  
Copy