

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILLS NOS. 775, 751, & 640  
AN ACT

To repeal sections 491.015, 566.149, 566.150, 566.155, 595.201, and 595.226, RSMo, and to enact in lieu thereof six new sections relating to sexual offenses, with penalty provisions.

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

Section A. Sections 491.015, 566.149, 566.150, 566.155, 2 595.201, and 595.226, RSMo, are repealed and six new sections 3 enacted in lieu thereof, to be known as sections 491.015, 4 566.149, 566.150, 566.155, 595.201, and 595.226, to read as 5 follows:

491.015. 1. In prosecutions under chapter 566 or 2 prosecutions related to sexual conduct under chapter 568, 3 opinion and reputation evidence of [the complaining] a 4 victim's or witness' prior sexual conduct, acts, or 5 practices is inadmissible at any trial, hearing, or court 6 proceeding and not a subject for inquiry during a deposition 7 or discovery; evidence of specific instances of [the 8 complaining] a victim's or witness' prior sexual conduct, 9 acts, or practices or the absence of such instances or 10 conduct is inadmissible at any trial, hearing, or any other 11 court proceeding, and not a subject for inquiry during a 12 deposition or discovery, except where such specific 13 instances are:

14 (1) Evidence of the sexual conduct of [the 15 complaining] a victim or witness with the defendant to prove 16 consent where consent is a defense to the alleged crime and

17 the evidence is reasonably contemporaneous with the date of  
18 the alleged crime; or

19 (2) Evidence of specific instances of sexual activity  
20 showing alternative source or origin of semen, pregnancy or  
21 disease;

22 (3) Evidence of immediate surrounding circumstances of  
23 the alleged crime; or

24 (4) Evidence relating to the previous chastity of the  
25 complaining witness in cases, where, by statute, previously  
26 chaste character is required to be proved by the prosecution.

27 2. Evidence of the sexual conduct, acts, or practices  
28 of [the complaining] a victim or witness offered under this  
29 section is admissible to the extent that the court finds the  
30 evidence relevant to a material fact or issue.

31 3. If the defendant proposes to offer evidence of the  
32 sexual conduct, acts, or practices of [the complaining] a  
33 victim or witness under this section, he or she shall file  
34 with the court a written motion accompanied by an offer of  
35 proof or make an offer of proof on the record outside the  
36 hearing of the jury. The court shall hold an in camera  
37 hearing to determine the sufficiency of the offer of proof  
38 and may at that hearing hear evidence if the court deems it  
39 necessary to determine the sufficiency of the offer of  
40 proof. If the court finds any of the evidence offered  
41 admissible under this section the court shall make an order  
42 stating the scope of the evidence which may be introduced.  
43 Objections to any decision of the court under this section  
44 may be made by either the prosecution or the defendant in  
45 the manner provided by law. The in camera hearing shall be  
46 recorded and the court shall set forth its reasons for its  
47 ruling. The record of the in camera hearing shall be sealed  
48 for delivery to the parties and to the appellate court in  
49 the event of an appeal or other post trial proceeding.

566.149. 1. Any person who has been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.037, possession of child pornography; section 573.025, promoting child pornography; or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section;

shall not be present in or loiter within five hundred feet of any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in subsection 2 of this section.

2. No parent, legal guardian, or custodian who has been found guilty of violating any of the offenses listed in subsection 1 of this section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds or in the conveyance unless

34 the parent, legal guardian, or custodian has permission to  
35 be present from the superintendent or school board or in the  
36 case of a private school from the principal. In the case of  
37 a public school, if permission is granted, the  
38 superintendent or school board president must inform the  
39 principal of the school where the sex offender will be  
40 present. Permission may be granted by the superintendent,  
41 school board, or in the case of a private school from the  
42 principal for more than one event at a time, such as a  
43 series of events, however, the parent, legal guardian, or  
44 custodian must obtain permission for any other event he or  
45 she wishes to attend for which he or she has not yet had  
46 permission granted.

47 3. Regardless of the person's knowledge of his or her  
48 proximity to school property or a school-related activity,  
49 violation of the provisions of this section is a class A  
50 misdemeanor.

566.150. 1. Any person who has been found guilty of:

2 (1) Violating any of the provisions of this chapter or  
3 the provisions of section 568.020, incest; section 568.045,  
4 endangering the welfare of a child in the first degree;  
5 section 573.200, use of a child in a sexual performance;  
6 section 573.205, promoting a sexual performance by a child;  
7 section 573.023, sexual exploitation of a minor; section  
8 573.025, promoting child pornography; section 573.037,  
9 possession of child pornography; or section 573.040,  
10 furnishing pornographic material to minors; or

11 (2) Any offense in any other jurisdiction which, if  
12 committed in this state, would be a violation listed in this  
13 section;

14 shall not knowingly be present in or loiter within five  
15 hundred feet of any real property comprising any public park  
16 with playground equipment, a public swimming pool, athletic

17 complex or athletic fields if such facilities exist for the  
18 primary use of recreation for children, any museum if such  
19 museum holds itself out to the public as and exists with the  
20 primary purpose of entertaining or educating children under  
21 eighteen years of age, or Missouri department of  
22 conservation nature or education center properties.

23 2. The first violation of the provisions of this  
24 section is a class E felony.

25 3. A second or subsequent violation of this section is  
26 a class D felony.

27 4. Any person who has been found guilty of an offense  
28 under subdivision (1) or (2) of subsection 1 of this section  
29 who is the parent, legal guardian, or custodian of a child  
30 under the age of eighteen attending a program on the  
31 property of a nature or education center of the Missouri  
32 department of conservation may receive permission from the  
33 nature or education center manager to be present on the  
34 property with the child during the program.

566.155. 1. Any person who has been found guilty of:

2 (1) Violating any of the provisions of this chapter or  
3 the provisions of section 568.020, incest; section 568.045,  
4 endangering the welfare of a child in the first degree;  
5 section 573.200, use of a child in a sexual performance;  
6 section 573.205, promoting a sexual performance by a child;  
7 section 573.023, sexual exploitation of a minor; section  
8 573.037, possession of child pornography; section 573.025,  
9 promoting child pornography; or section 573.040, furnishing  
10 pornographic material to minors; or

11 (2) Any offense in any other jurisdiction which, if  
12 committed in this state, would be a violation listed in this  
13 section;

14 shall not serve as an athletic coach, manager, or athletic  
15 trainer for any sports team in which a child less than  
16 seventeen years of age is a member.

17 2. The first violation of the provisions of this  
18 section is a class E felony.

19 3. A second or subsequent violation of this section is  
20 a class D felony.

595.201. 1. This section shall be known and may be  
2 cited as the "Sexual Assault Survivors' Bill of Rights".  
3 These rights shall be in addition to other rights as  
4 designated by law and no person shall discourage a person  
5 from exercising these rights. For the purposes of this  
6 section, "sexual assault survivor" means any person who is  
7 fourteen years of age or older and who may be a victim of a  
8 sexual offense who presents themselves to an appropriate  
9 medical provider, law enforcement officer, prosecuting  
10 attorney, or court.

11 2. [The rights provided to survivors in this section  
12 attach whenever a survivor is subject to a forensic  
13 examination, as provided in section 595.220; and whenever a  
14 survivor is subject to an interview by a law enforcement  
15 official, prosecuting attorney, or defense attorney.] A  
16 sexual assault survivor retains all the rights of this  
17 section [at all times] regardless of whether [the survivor  
18 agrees to participate in the criminal justice system or in  
19 family court; and regardless of whether the survivor  
20 consents to a forensic examination to collect sexual assault  
21 forensic evidence. The following rights shall be afforded  
22 to sexual assault survivors] a criminal investigation or  
23 prosecution results or if the survivor has previously waived  
24 any of these rights. A sexual assault survivor has the  
25 right to:

26 (1) [A survivor has the right to] Consult with an  
27 employee or volunteer of a rape crisis center [during any  
28 forensic examination that is subject to confidentiality  
29 requirements pursuant to section 455.003, as well as the  
30 right to have a support person of the survivor's choosing  
31 present, subject to federal regulations as provided in 42  
32 CFR 482; and during any interview by a law enforcement  
33 official, prosecuting attorney, or defense attorney. A  
34 survivor retains this right even if the survivor has waived  
35 the right in a previous examination or interview;

36 (2) Reasonable costs incurred by a medical provider  
37 for the forensic examination portion of the examination of a  
38 survivor shall be paid by the department of public safety,  
39 out of appropriations made for that purpose, as provided  
40 under section 595.220. Evidentiary collection kits shall be  
41 developed and made available, subject to appropriations, to  
42 appropriate medical providers by the highway patrol or its  
43 designees and eligible crime laboratories. All appropriate  
44 medical provider charges for eligible forensic examinations  
45 shall be billed to and paid by the department of public  
46 safety;

47 (3) Before a medical provider commences a forensic  
48 examination of a survivor, the medical provider shall  
49 provide the survivor with a document to be developed by the  
50 department of public safety that explains the rights of  
51 survivors, pursuant to this section, in clear language that  
52 is comprehensible to a person proficient in English at the  
53 fifth-grade level, accessible to persons with visual  
54 disabilities, and available in all major languages of the  
55 state. This document shall include, but is not limited to:

56 (a) The survivor's rights pursuant to this section and  
57 other rules and regulations by the department of public  
58 safety and the department of health and senior services,

59 which shall be signed by the survivor of sexual assault to  
60 confirm receipt;

61 (b) The survivor's right to consult with an employee  
62 or volunteer of a rape crisis center, to be summoned by the  
63 medical provider before the commencement of the forensic  
64 examination, unless no employee or volunteer of a rape  
65 crisis center can be summoned in a reasonably timely manner,  
66 and to have present at least one support person of the  
67 victim's choosing;

68 (c) If an employee or volunteer of a rape crisis  
69 center or a support person cannot be summoned in a timely  
70 manner, the ramifications of delaying the forensic  
71 examination; and

72 (d) After the forensic examination, the survivor's  
73 right to shower at no cost, unless showering facilities are  
74 not reasonably available;

75 (4) Before commencing an interview of a survivor, a  
76 law enforcement officer, prosecuting attorney, or defense  
77 attorney shall inform the survivor of the following:

78 (a) The survivor's rights pursuant to this section and  
79 other rules and regulations by the department of public  
80 safety and the department of health and senior services,  
81 which shall be signed by the survivor of sexual assault to  
82 confirm receipt;

83 (b) The survivor's right to consult with an employee  
84 or volunteer of a rape crisis center during any interview by  
85 a law enforcement official, prosecuting attorney, or defense  
86 attorney, to be summoned by the interviewer before the  
87 commencement of the interview, unless no employee or  
88 volunteer of a rape crisis center can be summoned in a  
89 reasonably timely manner;

90 (c) The survivor's right to have a support person of  
91 the survivor's choosing present during any interview by a



92 law enforcement officer, prosecuting attorney, or defense  
93 attorney, unless the law enforcement officer, prosecuting  
94 attorney, or defense attorney determines in his or her good  
95 faith professional judgment that the presence of that  
96 individual would be detrimental to the purpose of the  
97 interview; and

98 (d) For interviews by a law enforcement officer, the  
99 survivor's right to be interviewed by a law enforcement  
100 official of the gender of the survivor's choosing. If no  
101 law enforcement official of that gender is reasonably  
102 available, the survivor shall be interviewed by an available  
103 law enforcement official only upon the survivor's consent;

104 (5) The right to counsel during an interview by a law  
105 enforcement officer or during any interaction with the legal  
106 or criminal justice systems within the state;

107 (6) A law enforcement official, prosecuting attorney,  
108 or defense attorney shall not, for any reason, discourage a  
109 survivor from receiving a forensic examination;

110 (7) A survivor has the right to prompt analysis of  
111 sexual assault forensic evidence, as provided under section  
112 595.220;

113 (8) A survivor has the right to be informed, upon the  
114 survivor's request, of the results of the analysis of the  
115 survivor's sexual assault forensic evidence, whether the  
116 analysis yielded a DNA profile, and whether the analysis  
117 yielded a DNA match, either to the named perpetrator or to a  
118 suspect already in CODIS. The survivor has the right to  
119 receive this information through a secure and confidential  
120 message in writing from the crime laboratory so that the  
121 survivor can call regarding the results;

122 (9) A defendant or person accused or convicted of a  
123 crime against a survivor shall have no standing to object to  
124 any failure to comply with this section, and the failure to

125 provide a right or notice to a survivor under this section  
126 may not be used by a defendant to seek to have the  
127 conviction or sentence set aside;

128 (10) The failure of a law enforcement agency to take  
129 possession of any sexual assault forensic evidence or to  
130 submit that evidence for analysis within the time prescribed  
131 under section 595.220 does not alter the authority of a law  
132 enforcement agency to take possession of that evidence or to  
133 submit that evidence to the crime laboratory, and does not  
134 alter the authority of the crime laboratory to accept and  
135 analyze the evidence or to upload the DNA profile obtained  
136 from that evidence into CODIS. The failure to comply with  
137 the requirements of this section does not constitute grounds  
138 in any criminal or civil proceeding for challenging the  
139 validity of a database match or of any database information,  
140 and any evidence of that DNA record shall not be excluded by  
141 a court on those grounds;

142 (11) No sexual assault forensic evidence shall be used  
143 to prosecute a survivor for any misdemeanor crimes or any  
144 misdemeanor crime pursuant to sections 579.015 to 579.185;  
145 or as a basis to search for further evidence of any  
146 unrelated misdemeanor crimes or any misdemeanor crime  
147 pursuant to sections 579.015 to 579.185, that shall have  
148 been committed by the survivor, except that sexual assault  
149 forensic evidence shall be admissible as evidence in any  
150 criminal or civil proceeding against the defendant or person  
151 accused;

152 (12) Upon initial interaction with a survivor, a law  
153 enforcement officer shall provide the survivor with a  
154 document to be developed by the department of public safety  
155 that explains the rights of survivors, pursuant to this  
156 section, in clear language that is comprehensible to a  
157 person proficient in English at the fifth-grade level,

158 accessible to persons with visual disabilities, and  
159 available in all major languages of the state. This  
160 document shall include, but is not limited to:

161 (a) A clear statement that a survivor is not required  
162 to participate in the criminal justice system or to receive  
163 a forensic examination in order to retain the rights  
164 provided by this section and other relevant law;

165 (b) Telephone and internet means of contacting nearby  
166 rape crisis centers and employees or volunteers of a rape  
167 crisis center;

168 (c) Forms of law enforcement protection available to  
169 the survivor, including temporary protection orders, and  
170 the process to obtain such protection;

171 (d) Instructions for requesting the results of the  
172 analysis of the survivor's sexual assault forensic  
173 evidence; and

174 (e) State and federal compensation funds for medical  
175 and other costs associated with the sexual assault and any  
176 municipal, state, or federal right to restitution for  
177 survivors in the event of a criminal trial;

178 (13) A law enforcement official shall, upon written  
179 request by a survivor, furnish within fourteen days of  
180 receiving such request a free, complete, and unaltered copy  
181 of all law enforcement reports concerning the sexual  
182 assault, regardless of whether the report has been closed by  
183 the law enforcement agency;

184 (14) A prosecuting attorney shall, upon written  
185 request by a survivor, provide:

186 (a) Timely notice of any pretrial disposition of the  
187 case;

188 (b) Timely notice of the final disposition of the  
189 case, including the conviction, sentence, and place and time  
190 of incarceration;

191 (c) Timely notice of a convicted defendant's location,  
192 including whenever the defendant receives a temporary,  
193 provisional, or final release from custody, escapes from  
194 custody, is moved from a secure facility to a less secure  
195 facility, or reenters custody; and

196 (d) A convicted defendant's information on a sex  
197 offender registry, if any;

198 (15) In either a civil or criminal case relating to  
199 the sexual assault, a survivor has the right to be  
200 reasonably protected from the defendant and persons acting  
201 on behalf of the defendant, as provided under section  
202 595.209 and Article I, Section 32 of the Missouri  
203 Constitution;

204 (16) A survivor has the right to be free from  
205 intimidation, harassment, and abuse, as provided under  
206 section 595.209 and Article I, Section 32 of the Missouri  
207 Constitution;

208 (17) A survivor shall not be required to submit to a  
209 polygraph examination as a prerequisite to filing an  
210 accusatory pleading, as provided under 595.223, or to  
211 participating in any part of the criminal justice system;

212 (18) A survivor has the right to be heard through a  
213 survivor impact statement at any proceeding involving a post  
214 arrest release decision, plea, sentencing, post conviction  
215 release decision, or any other proceeding where a right of  
216 the survivor is at issue, as provided under section 595.229  
217 and Article I, Section 32 of the Missouri Constitution.

218 3. For purposes of this section, the following terms  
219 mean:

220 (1) "CODIS", the Federal Bureau of Investigation's  
221 Combined DNA Index System that allows the storage and  
222 exchange of DNA records submitted by federal, state, and  
223 local DNA crime laboratories. The term "CODIS" includes the

224 National DNA Index System administered and operated by the  
225 Federal Bureau of Investigation;

226 (2) "Crime", an act committed in this state which,  
227 regardless of whether it is adjudicated, involves the  
228 application of force or violence or the threat of force or  
229 violence by the offender upon the victim and shall include  
230 the crime of driving while intoxicated, vehicular  
231 manslaughter and hit and run; and provided, further, that no  
232 act involving the operation of a motor vehicle, except  
233 driving while intoxicated, vehicular manslaughter and hit  
234 and run, which results in injury to another shall constitute  
235 a crime for the purpose of this section, unless such injury  
236 was intentionally inflicted through the use of a motor  
237 vehicle. A crime shall also include an act of terrorism, as  
238 defined in 18 U.S.C. Section 2331, which has been committed  
239 outside of the United States against a resident of Missouri;

240 (3) "Crime laboratory", a laboratory operated or  
241 supported financially by the state, or any unit of city,  
242 county, or other local Missouri government that employs at  
243 least one scientist who examines physical evidence in  
244 criminal matters and provides expert or opinion testimony  
245 with respect to such physical evidence in a state court of  
246 law;

247 (4) "Disposition", the sentencing or determination of  
248 a penalty or punishment to be imposed upon a person  
249 convicted of a crime or found delinquent or against who a  
250 finding of sufficient facts for conviction or finding of  
251 delinquency is made;

252 (5) "Law enforcement official", a sheriff and his  
253 regular deputies, municipal police officer, or member of the  
254 Missouri state highway patrol and such other persons as may  
255 be designated by law as peace officers;

256 (6) "Medical provider", any qualified health care  
257 professional, hospital, other emergency medical facility, or  
258 other facility conducting a forensic examination of the  
259 survivor;

260 (7) "Rape crisis center", any public or private agency  
261 that offers assistance to victims of sexual assault, as the  
262 term sexual assault is defined in section 455.010, who are  
263 adults, as defined by section 455.010, or qualified minors,  
264 as defined by section 431.056;

265 (8) "Restitution", money or services which a court  
266 orders a defendant to pay or render to a survivor as part of  
267 the disposition;

268 (9) "Sexual assault survivor", any person who is a  
269 victim of an alleged sexual offense under sections 566.010  
270 to 566.223 and, if the survivor is incompetent, deceased, or  
271 a minor who is unable to consent to counseling services, the  
272 parent, guardian, spouse, or any other lawful representative  
273 of the survivor, unless such person is the alleged assailant;

274 (10) "Sexual assault forensic evidence", any human  
275 biological specimen collected by a medical provider during a  
276 forensic medical examination from an alleged survivor, as  
277 provided for in section 595.220, including, but not limited  
278 to, a toxicology kit;

279 (11) "Survivor", a natural person who suffers direct  
280 or threatened physical, emotional, or financial harm as the  
281 result of the commission or attempted commission of a  
282 crime. The term "victim" also includes the family members  
283 of a minor, incompetent or homicide victim.] as defined in  
284 section 455.003;

285 (2) A sexual assault forensic examination as provided  
286 in section 595.220, or when a telehealth network is  
287 established, a forensic examination as provided in section  
288 192.2520 and section 197.135;

289           (3) A shower and a change of clothing, as reasonably  
290 available, at no cost to the sexual assault survivor;

291           (4) Request to be examined by an appropriate medical  
292 provider or interviewed by a law enforcement officer of the  
293 gender of the sexual assault survivor's choosing, when there  
294 is an available appropriate medical provider or law  
295 enforcement official of the gender of the sexual assault  
296 survivor's choosing;

297           (5) An interpreter who can communicate in the language  
298 of the sexual assault survivor's choice, as is reasonably  
299 available, in a timely manner;

300           (6) Notification and basic overview of the options of  
301 choosing a reported evidentiary collection kit, unreported  
302 evidentiary collection kit, or anonymous evidentiary  
303 collection kit as defined in section 595.220;

304           (7) Notification about the evidence tracking system as  
305 defined in subsection 9 of section 595.220;

306           (8) Notification about the right to information  
307 pursuant to subsection 4 of section 610.100;

308           (9) Be free from intimidation, harassment, and abuse  
309 in any related criminal or civil proceeding and the right to  
310 reasonable protection from the offender or any person acting  
311 on behalf of the offender from harm and threats of harm  
312 arising out of the survivor's disclosure of the sexual  
313 assault.

314           3. An appropriate medical provider, law enforcement  
315 officer, and prosecuting attorney shall provide the sexual  
316 assault survivor with notification of the rights of  
317 survivors pursuant to subsection 2 of this section in a  
318 timely manner. Each appropriate medical provider, law  
319 enforcement officer, and prosecuting attorney shall ensure  
320 that the sexual assault survivor has been notified of these  
321 rights.

322 4. The department of public safety shall develop a  
323 document in collaboration with Missouri-based stakeholders.  
324 Missouri-based stakeholders shall include, but not be  
325 limited to, the following:

- 326 (1) Prosecuting attorneys;  
327 (2) Chief law enforcement officers or their designees;  
328 (3) Appropriate medical providers, as defined in  
329 section 595.220;  
330 (4) Representatives of the statewide coalition against  
331 domestic and sexual violence;  
332 (5) Representatives of rape crisis centers;  
333 (6) Representatives of the Missouri Hospital  
334 Association;  
335 (7) The director of the Missouri highway patrol crime  
336 lab or their designee; and  
337 (8) The director of the department of health and  
338 senior services or their designee.

339 5. The document shall include the following:  
340 (1) A description of the rights of the sexual assault  
341 survivor pursuant to this section; and  
342 (2) Telephone and internet means for contacting the  
343 local rape crisis center, as defined in 455.003.

344 The department of public safety shall provide this document  
345 in clear language that is comprehensible to a person  
346 proficient in English and shall provide this document in any  
347 other foreign language spoken by at least five percent of  
348 the population in any county or city not within a county in  
349 Missouri.

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



6 stalking shall be closed and redacted from such record prior  
7 to disclosure to the public. Identifying information shall  
8 include, but shall not be limited to, the name, home or  
9 temporary address, personal email address, telephone number,  
10 Social Security number, birth date, place of employment, any  
11 health information, including human immunodeficiency virus  
12 (HIV) status, any information from a forensic testing  
13 report, or physical characteristics, including an  
14 unobstructed visual image of the victim's face or body.

15 2. [If the court determines that a person or entity  
16 who is requesting identifying information of a victim has a  
17 legitimate interest in obtaining such information, the court  
18 may allow access to the information, but only if the court  
19 determines that disclosure to the person or entity would not  
20 compromise the welfare or safety of such victim,] Any person  
21 who is requesting identifying information of a victim and  
22 who has a legitimate interest in obtaining such information  
23 may petition the court for an in camera inspection of the  
24 records. If the court determines the person is entitled to  
25 all or any part of such records, the court may order  
26 production and disclosure of the records, but only if the  
27 court determines that the disclosure to the person or entity  
28 would not compromise the welfare or safety of the victim,  
29 and only after providing reasonable notice to the victim and  
30 after allowing the victim the right to respond to such  
31 request.

32 3. Notwithstanding the provisions of subsection 1 of  
33 this section, the judge presiding over a case under chapter  
34 566 or a case of domestic assault or stalking shall have the  
35 discretion to publicly disclose identifying information  
36 regarding the defendant which could be used to identify or  
37 locate the victim of the crime. The victim may provide a  
38 statement to the court regarding whether he or she desires

39 such information to remain closed. When making the decision  
40 to disclose such information, the judge shall consider the  
41 welfare and safety of the victim and any statement to the  
42 court received from the victim regarding the disclosure.