

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 1400

AN ACT

To repeal sections 490.692 and 565.240, RSMo, and to enact in lieu thereof two new sections relating to judicial proceedings, with penalty provisions.

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

Section A. Sections 490.692 and 565.240, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 490.692 and 565.240, to read as follows:

490.692. 1. Any records or copies of records reproduced in the ordinary course of business by any photographic, photostatic, microfilm, microcard, miniature photographic, optical disk imaging, or other process which accurately reproduces or forms a durable medium for so reproducing the original that would be admissible under sections 490.660 to 490.690 shall be admissible as a business record, subject to other substantive or procedural objections, in any court in this state upon the affidavit of the person who would otherwise provide the prerequisites of sections 490.660 to 490.690, that the records attached to the affidavit were kept as required by section 490.680.

2. No party shall be permitted to offer such business records into evidence pursuant to this section unless all other parties to the action have been served with copies of such records and such affidavit at least seven days prior to the day upon which trial of the cause commences.

3. The affidavit permitted by this section may be in form and content substantially as follows:

THE STATE OF _____

COUNTY OF _____

AFFIDAVIT

Before me, the undersigned authority, personally appeared _____, who, being by me duly sworn, deposed as follows:

My name is _____, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am the custodian of the records of _____. Attached hereto are _____ pages of records from _____. These _____ pages of records are kept by _____ in the regular course of business, and it was the regular course of business of _____ for an employee or representative of _____ with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time of the act, event, condition, opinion or diagnosis. The records attached hereto are the original or exact duplicates of the original.

Affiant

[In witness whereof I have hereunto subscribed my name and affixed my official seal this _____ day of _____, 20_____.

(Signed)

(Seal)

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4. Notwithstanding any other provision of law to the contrary, an affidavit offered pursuant to this section shall not be deemed invalid for the reason that it utilizes an electronic signature or digital signature.

5. Notwithstanding any other provision of law to the contrary, an affidavit offered pursuant to this section shall not be deemed invalid for the reason that it does not include a notarization.

6. Notwithstanding any other provision of law to the contrary, an affidavit offered pursuant to this section shall be signed in a manner that, if falsely made, would subject the signer to criminal penalties pursuant to section 575.040.

565.240. 1. A person commits the offense of unlawful posting of certain information over the internet if:

(1) He or she knowingly posts the name, home address, Social Security number, telephone number, or any other personally identifiable information of any person on the internet intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to such person; or

(2) He or she knowingly posts the Social Security number of any person on the internet intending to intimidate or harass such person or obtain financial gain from such person.

2. The offense of unlawful posting of certain information over the internet under subdivision (1) of subsection 1 of this section is a class **[C misdemeanor]** E felony, unless the person knowingly posts on the internet the name, home address, Social Security number, telephone number, or any other personally identifiable information of any law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, or of any immediate family member of such law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, intending to cause great bodily harm or death, or threatening to cause great bodily harm or death, in which case it is a class **[E]** D felony, and if such intention or threat results in bodily harm or death to such person or immediate family member, the offense of unlawful

posting of certain information over the internet is a class
[D] C felony.

3. The offense of unlawful posting of certain
information over the internet under subdivision (2) of
subsection 1 of this section is a class E felony.