

# SENATE BILL NO. 1379

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

5651S.011

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 589, RSMo, by adding thereto one new section relating to the release of data on criminal activity.

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

Section A. Chapter 589, RSMo, is amended by adding thereto one new section, to be known as section 589.710, to read as follows:

**589.710. 1. For the purposes of this section, the following terms mean:**

**(1) "Bona fide researcher", any individual or organization who:**

**(a) Agrees that any personally identifiable information provided shall be used only for research and statistical activities, and shall not be transferred, revealed, or used for purposes other than research or statistical activities, and that reports or publications derived from this information shall not identify specific individuals;**

**(b) Certifies that such individual or organization has secured approval by the individual or organization's institutional review board for the research or statistical project that is the basis of the data access request; and**

**(c) If the individual or organization is requesting access to any confidential, personally identifiable data,**

18 certifies that the individual or organization has security  
19 controls in place to prevent unauthorized access to any  
20 confidential, personally identifiable data, and that these  
21 controls have met the approval of the individual or  
22 organization's institutional review board;

23 (2) "Criminal justice agency", any court with criminal  
24 jurisdiction and any local, county, or state agency that  
25 performs any activity directly relating to the detection or  
26 investigation of crime; the apprehension, pretrial release,  
27 post-trial release, prosecution, correctional supervision,  
28 rehabilitation, evaluation, or treatment of accused persons  
29 or criminal offenders; or criminal identification activities  
30 or the collection, storage, or dissemination of arrest and  
31 criminal records information;

32 (3) "Criminal justice data", all data collected,  
33 created, received, maintained, or disseminated by any  
34 criminal justice agency regardless of its physical form,  
35 storage media, or conditions of use;

36 (4) "Institutional review board", any board,  
37 committee, or other group that reviews, approves initiation  
38 of, and conducts periodic review of research, and which has  
39 received accreditation for this purpose or is part of an  
40 accredited institution of higher learning;

41 (5) "Record", any information kept, held, filed,  
42 produced, or reproduced by, with, or for a criminal justice  
43 agency, in any physical or digital form whatsoever  
44 including, but not limited to, reports, statements,  
45 examinations, memoranda, opinions, folders, files, books,  
46 manuals, pamphlets, forms, papers, designs, drawings, maps,  
47 photos, letters, microfilms, computer tapes or discs, or  
48 rules, regulations, or codes.

49           2. (1) A criminal justice agency shall share with a  
50 bona fide researcher all criminal justice data and records,  
51 including relevant personally identifying information and  
52 demographic information, held by that agency relating to:

53           (a) A law enforcement stop, search, or seizure;  
54           (b) A warrant, arrest, or citation;  
55           (c) Participation in a pre-arrest or post-arrest  
56 diversion, specialty court, or other alternative resolution  
57 program;

58           (d) A criminal charge, disposition, or sentence;

59           (e) Pretrial or post-trial release from custody, or  
60 any terms or conditions of release;

61           (f) A grant, order, change in the terms of, or  
62 termination of pretrial supervised release, probation,  
63 parole, or participation in correctional or rehabilitative  
64 programs; or

65           (g) Formal discipline, reclassification, or relocation  
66 of any person under criminal sentence or correctional  
67 control.

68           (2) A criminal justice agency shall share with a bona  
69 fide researcher all criminal justice data and records,  
70 including relevant personally identifying information and  
71 demographic information, held by that agency that is subject  
72 to mandatory or discretionary disclosure to any member of  
73 the public and not otherwise closed pursuant to chapter 610.

74           (3) A criminal justice agency may share with a bona  
75 fide researcher any other criminal justice data, records, or  
76 information, including relevant personally identifying  
77 information and demographic information, held by that agency  
78 that is responsive to a bona fide researcher's request.

79           (4) A release of criminal justice data, records, or  
80 information under this section is not considered a release

81 of data, records, or information to the public for the  
82 purposes of chapter 610 and does not waive the right to  
83 assert in the future that data, records, or information may  
84 be closed under chapter 610.

85 3. (1) Before February 28, 2027, the attorney general  
86 shall issue guidance to assist criminal justice agencies in  
87 complying with the requirements of this section, including a  
88 process for identifying bona fide researchers and sharing  
89 criminal justice data, records, and information with bona  
90 fide researchers.

91 (2) A criminal justice agency may assess reasonable  
92 fees, not to exceed actual costs, for the search, retrieval,  
93 and copying of criminal justice data, records, or  
94 information requested pursuant to this section, and may  
95 waive fees at their discretion.

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