

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 72

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

0524S.07P

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 509.520 and 565.240, RSMo, and to enact in lieu thereof nine new sections relating to judicial privacy, with penalty provisions.

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

Section A. Sections 509.520 and 565.240, RSMo, are
2 repealed and nine new sections enacted in lieu thereof, to be
3 known as sections 476.1300, 476.1302, 476.1304, 476.1306,
4 476.1308, 476.1310, 476.1313, 509.520, and 565.240, to read as
5 follows:

**476.1300. 1. Sections 476.1300 to 476.1310 shall be
2 known and may be cited as the "Judicial Privacy Act".**

**3 2. As used in sections 476.1300 to 476.1310, the
4 following terms mean:**

**5 (1) "Government agency", all agencies, authorities,
6 boards, commissions, departments, institutions, offices, and
7 any other bodies politic and corporate of the state created
8 by the constitution or statute, whether in the executive,
9 judicial, or legislative branch; all units and corporate
10 outgrowths created by executive order of the governor or any
11 constitutional officer, by the supreme court, or by
12 resolution of the general assembly; agencies, authorities,**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 boards, commissions, departments, institutions, offices, and
14 any other bodies politic and corporate of a political
15 subdivision, including school districts; and any public
16 governmental body as that term is defined in section 610.010;

17 (2) "Home address", a judicial officer's permanent
18 residence and any secondary residences affirmatively
19 identified by the judicial officer, but does not include a
20 judicial officer's work address;

21 (3) "Immediate family", a judicial officer's spouse,
22 child, adoptive child, foster child, parent, or any
23 unmarried companion of the judicial officer or other
24 familial relative of the judicial officer or the judicial
25 officer's spouse who lives in the same residence;

26 (4) "Judicial officer", actively employed, formerly
27 employed, or retired:

28 (a) Justices of the Supreme Court of the United States;

29 (b) Judges of the United States Court of Appeals;

30 (c) Judges and magistrate judges of the United States
31 District Courts;

32 (d) Judges of the United States Bankruptcy Court;

33 (e) Judges of the Missouri supreme court;

34 (f) Judges of the Missouri court of appeals;

35 (g) Judges and commissioners of the Missouri circuit
36 courts, including of the divisions of a circuit court; and

37 (h) Prosecuting or circuit attorney, or assistant
38 prosecuting or circuit attorney;

39 (5) "Personal information", a home address, home
40 telephone number, mobile telephone number, pager number,
41 personal email address, Social Security number, federal tax
42 identification number, checking and savings account numbers,
43 credit card numbers, marital status, and identity of
44 children under eighteen years of age;

45 (6) "Publicly available content", any written,
46 printed, or electronic document or record that provides
47 information or that serves as a document or record
48 maintained, controlled, or in the possession of a government
49 agency that may be obtained by any person or entity, from
50 the internet, from the government agency upon request either
51 free of charge or for a fee, or in response to a request
52 pursuant to chapter 610 or the federal Freedom of
53 Information Act, 5 U.S.C. Section 552, as amended;

54 (7) "Publicly post or display", to communicate to
55 another or to otherwise make available to the general public;

56 (8) "Written request", written or electronic notice
57 signed by:

58 (a) A state judicial officer and submitted to the
59 clerk of the Missouri supreme court or the clerk's designee;
60 or

61 (b) A federal judicial officer and submitted to that
62 judicial officer's clerk of the court or the clerk's
63 designee;

64 that is transmitted by the applicable clerk to a government
65 agency, person, business, or association to request such
66 government agency, person, business, or association refrain
67 from posting or displaying publicly available content that
68 includes the judicial officer's personal information.

476.1302. 1. A government agency shall not publicly
2 post or display publicly available content that includes a
3 judicial officer's personal information, provided that the
4 government agency has received a written request that the
5 agency refrain from disclosing the judicial officer's
6 personal information. After a government agency has
7 received a written request, the government agency shall

8 remove the judicial officer's personal information from
9 publicly available content within five business days. After
10 the government agency has removed the judicial officer's
11 personal information from publicly available content, the
12 government agency shall not publicly post or display the
13 judicial officer's personal information and the judicial
14 officer's personal information shall be exempted from the
15 provisions of chapter 610, unless the government agency has
16 received written consent from the judicial officer to make
17 the personal information available to the public.

18 2. If a government agency fails to comply with a
19 written request to refrain from disclosing personal
20 information, the judicial officer may bring an action
21 seeking injunctive or declaratory relief in any court of
22 competent jurisdiction. If the court grants injunctive or
23 declaratory relief, the court may award costs and reasonable
24 attorney's fees to the judicial officer.

476.1304. 1. No person, business, or association
2 shall publicly post or display on the internet publicly
3 available content that includes a judicial officer's
4 personal information, provided that the judicial officer has
5 made a written request to the person, business, or
6 association that it refrain from disclosing the personal
7 information.

8 2. No person, business, or association shall solicit,
9 sell, or trade on the internet a judicial officer's personal
10 information for purposes of tampering with a judicial
11 officer in violation of section 575.095 or with the intent
12 to pose an imminent and serious threat to the health and
13 safety of the judicial officer or the judicial officer's
14 immediate family.

15 3. As prohibited in this section, persons, businesses,
16 or associations posting, displaying, soliciting, selling, or
17 trading a judicial officer's personal information on the
18 internet includes, but is not limited to, internet phone
19 directories, internet search engines, internet data
20 aggregators, and internet service providers.

 476.1306. 1. After a person, business, or association
2 has received a written request from a judicial officer to
3 protect the privacy of the officer's personal information,
4 that person, business, or association shall have five
5 business days to remove the personal information from the
6 internet.

 2. After a person, business, or association has
7 received a written request from a judicial officer, that
8 person, business, or association shall ensure that the
9 judicial officer's personal information is not made
10 available on any website or subsidiary website controlled by
11 that person, business, or association.

 3. After receiving a judicial officer's written
13 request, no person, business, or association shall make
14 public the judicial officer's personal information to any
15 other person, business, or association through any medium.
16

 476.1308. A judicial officer whose personal
2 information is made public as a result of a violation of
3 sections 476.1304 to 476.1306 may bring an action seeking
4 injunctive or declaratory relief in any court of competent
5 jurisdiction. If the court grants injunctive or declaratory
6 relief, the person, business, or association responsible for
7 the violation shall be required to pay the judicial
8 officer's costs and reasonable attorney's fees.

 476.1310. 1. No government agency, person, business,
2 or association shall be found to have violated any provision

3 of sections 476.1300 to 476.1310 if the judicial officer
4 fails to submit a written request calling for the protection
5 of the judicial officer's personal information.

6 2. A written request shall be valid if:

7 (1) The judicial officer sends a written request
8 directly to a government agency, person, business, or
9 association; or

10 (2) If the judicial officer complies with a Missouri
11 supreme court rule for a state judicial officer to file the
12 written request with the clerk of the Missouri supreme court
13 or the clerk's designee to notify government agencies and
14 such notice is properly delivered by mail or electronic
15 format.

16 3. In each quarter of a calendar year, the clerk of
17 the Missouri supreme court or the clerk's designee shall
18 provide a list of all state judicial officers who have
19 submitted a written request under this section to the
20 appropriate officer with ultimate supervisory authority for
21 a government agency. The officer shall promptly provide a
22 copy of the list to all government agencies under his or her
23 supervision. Receipt of the written request list compiled
24 by the clerk of the Missouri supreme court or the clerk's
25 designee by a government agency shall constitute a written
26 request to that government agency for the purposes of
27 sections 476.1300 to 476.1310.

28 4. The chief clerk or circuit clerk of the court where
29 the judicial officer serves may submit a written request on
30 the judicial officer's behalf, provided that the judicial
31 officer gives written consent to the clerk and provided that
32 the clerk agrees to furnish a copy of that consent when a
33 written request is made. The chief clerk or circuit clerk

34 shall submit the written request as provided by subsection 2
35 of this section.

36 5. A judicial officer's written request shall specify
37 what personal information shall be maintained as private.
38 If a judicial officer wishes to identify a secondary
39 residence as a home address, the designation shall be made
40 in the written request. A judicial officer shall disclose
41 the identity of his or her immediate family and indicate
42 that the personal information of those members of the
43 immediate family shall also be excluded to the extent that
44 it could reasonably be expected to reveal the personal
45 information of the judicial officer.

46 6. A judicial officer's written request is valid until
47 the judicial officer provides the government agency, person,
48 business, or association with written consent to release the
49 personal information. A judicial officer's written request
50 expires on such judicial officer's death.

51 7. The provisions of sections 476.1300 to 476.1310
52 shall not apply to any disclosure of personal information of
53 a judicial officer or a member of a judicial officer's
54 immediate family as required by Article VIII, Section 23 of
55 the Missouri Constitution, sections 105.470 to 105.482,
56 section 105.498, and chapter 130.

476.1313. 1. Notwithstanding any other provision of
2 law to the contrary, a recorder of deeds shall meet the
3 requirements of the provisions of sections 476.1300 to
4 476.1310 by complying with this section. As used in this
5 section, the following terms mean:

6 (1) "Eligible documents", documents or instruments
7 that are maintained by and located in the office of the
8 recorder of deeds that are accessed electronically;

9 (2) "Immediate family", shall have the same meaning as
10 in section 476.1300;

11 (3) "Indexes", indexes maintained by and located in
12 the office of the recorder of deeds that are accessed
13 electronically;

14 (4) "Judicial officer", shall have the same meaning as
15 in section 476.1300;

16 (5) "Recorder of deeds", shall have the same meaning
17 as in section 59.005;

18 (6) "Shielded", a prohibition against the general
19 public's electronic access to eligible documents and the
20 unique identifier and recording date contained in indexes
21 for eligible documents;

22 (7) "Written request", written or electronic notice
23 signed by:

24 (a) A state judicial officer and submitted to the
25 clerk of the Missouri supreme court or the clerk's designee;
26 or

27 (b) A federal judicial officer and submitted to that
28 judicial officer's clerk of the court or the clerk's
29 designee;

30 that is transmitted electronically by the applicable clerk
31 to a recorder of deeds to request that eligible documents be
32 shielded.

33 2. Written requests transmitted to a recorder of deeds
34 shall only include information specific to eligible
35 documents maintained by that county. Any written request
36 transmitted to a recorder of deeds shall include the
37 requesting judicial officer's full legal name or legal alias
38 and a document locator number for each eligible document for
39 which the judicial officer is requesting shielding. If the

40 judicial officer is not a party to the instrument but is
41 requesting shielding for an eligible document in which an
42 immediate family member is a party to the instrument, the
43 full legal name or legal alias of the immediate family
44 member shall also be provided.

45 3. Not more than five business days after the date on
46 which the recorder of deeds receives the written request,
47 the recorder of deeds shall shield the eligible documents
48 listed in the written request. Within five business days of
49 receipt, the recorder of deeds shall electronically reply to
50 the written request with a list of any document locator
51 numbers submitted under subsection 2 of this section not
52 found in the records maintained by that recorder of deeds.

53 4. If the full legal name or legal alias of the
54 judicial officer or immediate family member provided does
55 not appear on an eligible document listed in the written
56 request, the recorder of deeds may electronically reply to
57 the written request with this information. The recorder of
58 deeds may delay shielding such eligible document until
59 electronic confirmation is received from the applicable
60 court clerk or judicial officer.

61 5. In order to shield subsequent eligible documents,
62 the judicial officer shall present to the recorder of deeds
63 at the time of recording a copy of their written request.
64 The recorder of deeds shall ensure that the eligible
65 document is shielded within five business days.

66 6. Eligible documents shall remain shielded until the
67 recorder of deeds receives a court order or notarized
68 affidavit signed by the judicial officer directing the
69 recorder of deeds to terminate shielding.

70 7. The provisions of this section shall not prohibit
71 access to a shielded eligible document by an individual or

72 entity that provides to the recorder of deeds a court order
73 or notarized affidavit signed by the judicial officer.

74 **8. No recorder of deeds shall be liable for any**
75 **damages under this section, provided the recorder of deeds**
76 **made a good faith effort to comply with the provisions of**
77 **this section. No recorder of deeds shall be liable for the**
78 **release of any eligible document or any data from any**
79 **eligible document that was released or accessed prior to the**
80 **eligible document being shielded pursuant to this section.**

509.520. 1. Notwithstanding any provision of law to
2 the contrary, beginning August 28, [2009] 2023, pleadings,
3 attachments, or exhibits filed with the court in any case,
4 as well as any judgments issued by the court, shall not
5 include:

6 (1) The full Social Security number of any party or
7 any child who is the subject to an order of custody or
8 support;

9 (2) The full credit card number or other financial
10 account number of any party;

11 **(3) Any personal identifying information, including**
12 **name, address, and year of birth, of a minor and, if**
13 **applicable, any next friend. Such information shall be**
14 **provided in a confidential information filing sheet**
15 **contemporaneously filed with the court or entered by the**
16 **court, which shall not be subject to public inspection or**
17 **availability.**

18 2. Contemporaneously with the filing of every petition
19 for dissolution of marriage, legal separation, motion for
20 modification, action to establish paternity, and petition or
21 motion for support or custody of a minor child, the filing
22 party shall file a confidential case filing sheet with the

23 court which shall not be subject to public inspection and
24 which provides:

25 (1) The name and address of the current employer and
26 the Social Security number of the petitioner or movant, if a
27 person;

28 (2) If known to the petitioner or movant, the name and
29 address of the current employer and the Social Security
30 number of the respondent; and

31 (3) The names, dates of birth, and Social Security
32 numbers of any children subject to the action.

33 3. Contemporaneously with the filing of every
34 responsive pleading petition for dissolution of marriage,
35 legal separation, motion for modification, action to
36 establish paternity, and petition or motion for support or
37 custody of a minor child, the responding party shall file a
38 confidential case filing sheet with the court which shall
39 not be subject to public inspection and which provides:

40 (1) The name and address of the current employer and
41 the Social Security number of the responding party, if a
42 person;

43 (2) If known to the responding party, the name and
44 address of the current employer and the Social Security
45 number of the petitioner or movant; and

46 (3) The names, dates of birth, and Social Security
47 numbers of any children subject to the action.

48 4. The full Social Security number of any party or
49 child subject to an order of custody or support shall be
50 retained by the court on the confidential case filing sheet
51 or other confidential record maintained in conjunction with
52 the administration of the case. The full credit card number
53 or other financial account number of any party may be
54 retained by the court on a confidential record if it is

55 necessary to maintain the number in conjunction with the
56 administration of the case.

57 5. Any document described in subsection 1 of this
58 section shall, in lieu of the full number, include only the
59 last four digits of any such number.

60 6. Except as provided in section 452.430, the clerk
61 shall not be required to redact any document described in
62 subsection 1 of this section issued or filed before August
63 28, 2009, prior to releasing the document to the public.

64 7. For good cause shown, the court may release
65 information contained on the confidential case filing sheet;
66 except that, any state agency acting under authority of
67 chapter 454 shall have access to information contained
68 herein without court order in carrying out their official
69 duty.

565.240. 1. A person commits the offense of unlawful
2 posting of certain information over the internet if he or
3 she knowingly posts the name, home address, Social Security
4 number, telephone number, or any other personally
5 identifiable information of any person on the internet
6 intending to cause great bodily harm or death, or
7 threatening to cause great bodily harm or death to such
8 person.

9 2. The offense of unlawful posting of certain
10 information over the internet is a class C misdemeanor,
11 unless the person knowingly posts on the internet the name,
12 home address, Social Security number, telephone number, or
13 any other personally identifiable information of any law
14 enforcement officer, corrections officer, parole officer,
15 judge, commissioner, or prosecuting attorney, or of any
16 immediate family member of such law enforcement officer,
17 corrections officer, parole officer, judge, commissioner, or

18 prosecuting attorney, intending to cause great bodily harm
19 or death, or threatening to cause great bodily harm or
20 death, in which case it is a class E felony, **and if such**
21 **intention or threat results in bodily harm or death to such**
22 **person or immediate family member, the offense of unlawful**
23 **posting of certain information over the internet is a class**
24 **D felony.**

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