

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 677

102ND GENERAL ASSEMBLY

1534S.03C

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 37.725, RSMo, and to enact in lieu thereof two new sections relating to the disclosure of certain records, with an existing penalty provision.

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

Section A. Section 37.725, RSMo, is repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 37.725  
3 and 210.1360, to read as follows:

37.725. 1. Any files maintained by the advocate  
2 program shall be disclosed only at the discretion of the  
3 child advocate; except that the identity of any complainant  
4 or recipient shall not be disclosed by the office unless:

5 (1) The complainant or recipient, or the complainant's  
6 or recipient's legal representative, consents in writing to  
7 such disclosure; [or]

8 (2) Such disclosure is required by court order; or

9 (3) **The child advocate determines that disclosure to  
10 law enforcement is necessary to ensure immediate child  
11 safety.**

12 2. Any statement or communication made by the office  
13 relevant to a complaint received by, proceedings before, or  
14 activities of the office and any complaint or information  
15 made or provided in good faith by any person shall be  
16 absolutely privileged and such person shall be immune from  
17 suit.

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

18           3. Any representative of the office conducting or  
19 participating in any examination of a complaint who  
20 knowingly and willfully discloses to any person other than  
21 the office, or those persons authorized by the office to  
22 receive it, the name of any witness examined or any  
23 information obtained or given during such examination is  
24 guilty of a class A misdemeanor. However, the office  
25 conducting or participating in any examination of a  
26 complaint shall disclose the final result of the examination  
27 with the consent of the recipient.

28           4. The office shall not be required to testify in any  
29 court with respect to matters held to be confidential in  
30 this section except as the court may deem necessary to  
31 enforce the provisions of sections 37.700 to 37.730, or  
32 where otherwise required by court order.

**210.1360. 1. Any personally identifiable information  
2 regarding any child under eighteen years of age receiving  
3 child care from any provider or applying for or receiving  
4 any services through a state program shall not be subject to  
5 disclosure except as otherwise provided by law.**

6           **2. This section shall not prohibit any state agency  
7 from disclosing personally identifiable information to  
8 governmental entities or its agents, vendors, and  
9 contractors in connection to matters relating to its  
10 official duties.**

11           **3. This section shall not prevent a parent or legal  
12 guardian from accessing the parent's or legal guardian's  
13 child's records.**

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