

SENATE BILL NO. 249

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

1236S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 37.725, RSMo, and to enact in lieu thereof one new section relating to the office of child advocate, with existing penalty provisions.

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

Section A. Section 37.725, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 37.725,
3 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) As requested by law enforcement as part of an**
10 **investigation.**

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

17 3. Any representative of the office conducting or
18 participating in any examination of a complaint who

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

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

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

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