

# SENATE BILL NO. 72

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

0524S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 476, RSMo, by adding thereto seven 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. Chapter 476, RSMo, is amended by adding thereto  
2 seven new sections, to be known as sections 476.1300, 476.1302,  
3 476.1304, 476.1306, 476.1308, 476.1310, and 476.1312, to read  
4 as follows:

**476.1300. 1. Sections 476.1300 to 476.1312 shall be  
2 known and may be cited as the "Judicial Privacy Act".**

**3 2. As used in sections 476.1300 to 476.1312, 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; and agencies,  
13 authorities, boards, commissions, departments, institutions,  
14 offices, and any other bodies politic and corporate of a  
15 political subdivision, including school districts; and any  
16 public governmental body as that term is defined in section  
17 610.010;**

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

22           (3) "Immediate family", a judicial officer's spouse,  
23 child, parent, or any blood relative of the judicial officer  
24 or the judicial officer's spouse who lives in the same  
25 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; and

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

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

43           (6) "Publicly available content", any written,  
44 printed, or electronic document or record that provides  
45 information or that serves as a document or record  
46 maintained, controlled, or in the possession of a government  
47 agency that may be obtained by any person or entity, from  
48 the internet, from the government agency upon request either  
49 free of charge or for a fee, or in response to a request

50 pursuant to chapter 610 or the federal Freedom of  
51 Information Act, 5 U.S.C. Section 552, as amended;

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

54 (8) "Written request", written or electronic notice  
55 signed by a judicial officer or the clerk of the Missouri  
56 supreme court or the clerk's designee or the chief clerk or  
57 circuit clerk of the court where the judicial officer serves  
58 requesting a government agency, person, business, or  
59 association to refrain from posting or displaying publicly  
60 available content that includes the judicial officer's  
61 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 agency shall remove the  
8 judicial officer's personal information from publicly  
9 available content within five business days. After the  
10 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 consent from the judicial officer to make the  
17 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.

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.

7 2. After a person, business, or association has  
8 received a written request from a judicial officer, that  
9 person, business, or association shall ensure that the  
10 judicial officer's personal information is not made

11 available on any website or subsidiary website controlled by  
12 that person, business, or association.

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

476.1308. A judicial officer whose personal  
2 information is made public as a result of a violation of  
3 sections 476.1300 to 476.1312 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 476.1312 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 agency for the purposes of sections 476.1300  
27 to 476.1312.

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 permission to release  
49 the personal information. A judicial officer's written  
50 request expires on such judicial officer's death.

476.1312. It shall be unlawful for any person to  
2 knowingly publicly post or display on the internet the  
3 personal information of a judicial officer or of the  
4 judicial officer's immediate family for purposes of  
5 tampering with a judicial officer in violation of section  
6 575.095 or if the person knows or reasonably should know  
7 that publicly posting the personal information poses an  
8 imminent and serious threat to the health and safety of the  
9 judicial officer or the judicial officer's immediate family,  
10 and the violation is a proximate cause of bodily injury or  
11 death of the judicial officer or a member of the judicial  
12 officer's immediate family. A person who violates this  
13 section shall be guilty of a class D felony.

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