

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 28

102ND GENERAL ASSEMBLY
2023

0495S.04T

AN ACT

To repeal sections 37.725, 43.539, 43.540, 105.1500, 193.265, and 610.021, RSMo, and to enact in lieu thereof nine new sections relating to access to certain records, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 37.725, 43.539, 43.540, 105.1500,
2 193.265, and 610.021, RSMo, are repealed and nine new sections
3 enacted in lieu thereof, to be known as sections 37.725, 43.253,
4 43.539, 43.540, 105.1500, 193.265, 195.817, 210.1360, and
5 610.021, 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 disclosure is at the request of law**
10 **enforcement as part of an 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

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

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
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.

**43.253. 1. Notwithstanding any other provision of law
2 to the contrary, a minimum fee of six dollars may be charged
3 by the Missouri state highway patrol for a records request
4 for a Missouri Uniform Crash Report or Marine Accident
5 Investigation Report where there are allowable fees of less
6 than six dollars under this chapter or chapter 610. Such
7 six-dollar fee shall be in place of any allowable fee of
8 less than six dollars.**

9 **2. The superintendent of the Missouri state highway
10 patrol may increase the minimum fee described in this
11 section by no more than one dollar every other year
12 beginning August 28, 2024; however, the minimum fee
13 described in this section shall not exceed ten dollars.**

43.539. 1. As used in this section, the following
2 terms mean:

3 (1) "Applicant", a person who:

4 (a) Is actively employed by or seeks employment with a
5 qualified entity;

6 (b) Is actively licensed or seeks licensure with a
7 qualified entity;

8 (c) Actively volunteers or seeks to volunteer with a
9 qualified entity;

10 (d) Is actively contracted with or seeks to contract
11 with a qualified entity; or

12 (e) Owns or operates a qualified entity;

13 (2) "Care", the provision of care, treatment,
14 education, training, instruction, supervision, or recreation
15 to children, the elderly, or disabled persons;

16 (3) "Missouri criminal record review", a review of
17 criminal history records and sex offender registration
18 records under sections 589.400 to 589.425 maintained by the
19 Missouri state highway patrol in the Missouri criminal
20 records repository;

21 (4) "Missouri Rap Back program", any type of automatic
22 notification made by the Missouri state highway patrol to a
23 qualified entity indicating that an applicant who is
24 employed, licensed, or otherwise under the purview of that
25 entity has been arrested for a reported criminal offense in
26 Missouri as required under section 43.506;

27 (5) "National criminal record review", a review of the
28 criminal history records maintained by the Federal Bureau of
29 Investigation;

30 (6) "National Rap Back program", any type of automatic
31 notification made by the Federal Bureau of Investigation
32 through the Missouri state highway patrol to a qualified

33 entity indicating that an applicant who is employed,
34 licensed, or otherwise under the purview of that entity has
35 been arrested for a reported criminal offense outside the
36 state of Missouri and the fingerprints for that arrest were
37 forwarded to the Federal Bureau of Investigation by the
38 arresting agency;

39 (7) "Patient or resident", a person who by reason of
40 age, illness, disease, or physical or mental infirmity
41 receives or requires care or services furnished by an
42 applicant, as defined in this section, or who resides or
43 boards in, or is otherwise kept, cared for, treated, or
44 accommodated in a facility as defined in section 198.006,
45 for a period exceeding twenty-four consecutive hours;

46 (8) "Qualified entity", a person, business, or
47 organization that provides care, care placement, or
48 educational services for children, the elderly, or persons
49 with disabilities as patients or residents, including a
50 business or organization that licenses or certifies others
51 to provide care or care placement services;

52 (9) "Youth services agency", any agency, school, or
53 association that provides programs, care, or treatment for
54 or exercises supervision over minors.

55 2. The central repository shall have the authority to
56 submit applicant fingerprints to the National Rap Back
57 program to be retained for the purpose of being searched
58 against future submissions to the National Rap Back program,
59 including latent fingerprint searches. Qualified entities
60 may conduct Missouri and national criminal record reviews on
61 applicants and participate in Missouri and National Rap Back
62 programs for the purpose of determining suitability or
63 fitness for a permit, license, or employment, and shall
64 abide by the following requirements:

65 (1) The qualified entity shall register with the
66 Missouri state highway patrol prior to submitting a request
67 for screening under this section. As part of the
68 registration, the qualified entity shall indicate if it
69 chooses to enroll applicants in the Missouri and National
70 Rap Back programs;

71 (2) Qualified entities shall notify applicants subject
72 to a criminal record review under this section that the
73 applicant's fingerprints shall be retained by the state
74 central repository and the Federal Bureau of Investigation
75 and shall be searched against other fingerprints on file,
76 including latent fingerprints;

77 (3) Qualified entities shall notify applicants subject
78 to enrollment in the National Rap Back program that the
79 applicant's fingerprints, while retained, may continue to be
80 compared against other fingerprints submitted or retained by
81 the Federal Bureau of Investigation, including latent
82 fingerprints;

83 (4) The criminal record review and Rap Back process
84 described in this section shall be voluntary and conform to
85 the requirements established in the National Child
86 Protection Act of 1993, as amended, and other applicable
87 state or federal law. As a part of the registration, the
88 qualified entity shall agree to comply with state and
89 federal law and shall indicate so by signing an agreement
90 approved by the Missouri state highway patrol. The Missouri
91 state highway patrol may periodically audit qualified
92 entities to ensure compliance with federal law and this
93 section;

94 (5) A qualified entity shall submit to the Missouri
95 state highway patrol a request for screening on applicants

96 covered under this section using a completed fingerprint
97 card;

98 (6) Each request shall be accompanied by a reasonable
99 fee, as provided in section 43.530, plus the amount
100 required, if any, by the Federal Bureau of Investigation for
101 the national criminal record review and enrollment in the
102 National Rap Back program in compliance with the National
103 Child Protection Act of 1993, as amended, and other
104 applicable state or federal laws;

105 (7) The Missouri state highway patrol shall provide,
106 directly to the qualified entity, the applicant's state
107 criminal history records that are not exempt from disclosure
108 under chapter 610 or otherwise confidential under law;

109 (8) The national criminal history data shall be
110 available to qualified entities to use only for the purpose
111 of screening applicants as described under this section.
112 The Missouri state highway patrol shall provide the
113 applicant's national criminal history record information
114 directly to the qualified entity;

115 (9) The determination whether the criminal history
116 record shows that the applicant has been convicted of or has
117 a pending charge for any crime that bears upon the fitness
118 of the applicant to have responsibility for the safety and
119 well-being of children, the elderly, or disabled persons
120 shall be made solely by the qualified entity. This section
121 shall not require the Missouri state highway patrol to make
122 such a determination on behalf of any qualified entity;

123 (10) The qualified entity shall notify the applicant,
124 in writing, of his or her right to obtain a copy of any
125 criminal record review, including the criminal history
126 records, if any, contained in the report and of the
127 applicant's right to challenge the accuracy and completeness

128 of any information contained in any such report and obtain a
129 determination as to the validity of such challenge before a
130 final determination regarding the applicant is made by the
131 qualified entity reviewing the criminal history
132 information. A qualified entity that is required by law to
133 apply screening criteria, including any right to contest or
134 request an exemption from disqualification, shall apply such
135 screening criteria to the state and national criminal
136 history record information received from the Missouri state
137 highway patrol for those applicants subject to the required
138 screening; and

139 (11) Failure to obtain the information authorized
140 under this section, with respect to an applicant, shall not
141 be used as evidence in any negligence action against a
142 qualified entity. The state, any political subdivision of
143 the state, or any agency, officer, or employee of the state
144 or a political subdivision shall not be liable for damages
145 for providing the information requested under this section.

146 3. The criminal record review shall include the
147 submission of fingerprints to the Missouri state highway
148 patrol, who shall conduct a Missouri criminal record review,
149 including closed record information under section 610.120.
150 The Missouri state highway patrol shall also forward a copy
151 of the applicant's fingerprints to the Federal Bureau of
152 Investigation for a national criminal record review.

153 4. The applicant subject to a criminal record review
154 shall provide the following information to the qualified
155 entity:

156 (1) Consent to obtain the applicant's fingerprints,
157 conduct the criminal record review, and participate in the
158 Missouri and National Rap Back programs;

159 (2) Consent to obtain the identifying information
160 required to conduct the criminal record review, which may
161 include, but not be limited to:

- 162 (a) Name;
- 163 (b) Date of birth;
- 164 (c) Height;
- 165 (d) Weight;
- 166 (e) Eye color;
- 167 (f) Hair color;
- 168 (g) Gender;
- 169 (h) Race;
- 170 (i) Place of birth;
- 171 (j) Social Security number; and
- 172 (k) The applicant's photo.

173 5. Any information received by an authorized state
174 agency or a qualified entity under the provisions of this
175 section shall be used solely for internal purposes in
176 determining the suitability of an applicant. The
177 dissemination of criminal history information from the
178 Federal Bureau of Investigation beyond the authorized state
179 agency or related governmental entity is prohibited. All
180 criminal record check information shall be confidential, and
181 any person who discloses the information beyond the scope
182 allowed is guilty of a class A misdemeanor.

183 6. A qualified entity enrolled in either the Missouri
184 or National Rap Back program shall be notified by the
185 Missouri state highway patrol that a new arrest has been
186 reported on an applicant who is employed, licensed, or
187 otherwise under the purview of the qualified entity. Upon
188 receiving the Rap Back notification, if the qualified entity
189 deems that the applicant is still serving in an active
190 capacity, the entity may request and receive the

191 individual's updated criminal history record. This process
192 shall only occur if:

193 (1) The entity has abided by all procedures and rules
194 promulgated by the Missouri state highway patrol and Federal
195 Bureau of Investigation regarding the Missouri and National
196 Rap Back programs;

197 (2) The individual upon whom the Rap Back notification
198 is being made has previously had a Missouri and national
199 criminal record review completed for the qualified entity
200 under this section [within the previous six years]; and

201 (3) The individual upon whom the Rap Back notification
202 is being made is a current employee, licensee, or otherwise
203 still actively under the purview of the qualified entity.

204 7. The Missouri state highway patrol shall make
205 available or approve the necessary forms, procedures, and
206 agreements necessary to implement the provisions of this
207 section.

43.540. 1. As used in this section, the following
2 terms mean:

3 (1) "Applicant", a person who:

4 (a) Is actively employed by or seeks employment with a
5 qualified entity;

6 (b) Is actively licensed or seeks licensure with a
7 qualified entity;

8 (c) Actively volunteers or seeks to volunteer with a
9 qualified entity; or

10 (d) Is actively contracted with or seeks to contract
11 with a qualified entity;

12 (2) "Missouri criminal record review", a review of
13 criminal history records and sex offender registration
14 records pursuant to sections 589.400 to 589.425 maintained

15 by the Missouri state highway patrol in the Missouri
16 criminal records repository;

17 (3) "Missouri Rap Back program", shall include any
18 type of automatic notification made by the Missouri state
19 highway patrol to a qualified entity indicating that an
20 applicant who is employed, licensed, or otherwise under the
21 purview of that entity has been arrested for a reported
22 criminal offense in Missouri as required under section
23 43.506;

24 (4) "National criminal record review", a review of the
25 criminal history records maintained by the Federal Bureau of
26 Investigation;

27 (5) "National Rap Back program", shall include any
28 type of automatic notification made by the Federal Bureau of
29 Investigation through the Missouri state highway patrol to a
30 qualified entity indicating that an applicant who is
31 employed, licensed, or otherwise under the purview of that
32 entity has been arrested for a reported criminal offense
33 outside the state of Missouri and the fingerprints for that
34 arrest were forwarded to the Federal Bureau of Investigation
35 by the arresting agency;

36 (6) "Qualified entity", an entity that is:

37 (a) An office or division of state, county, or
38 municipal government, including a political subdivision or a
39 board or commission designated by statute or approved local
40 ordinance, to issue or renew a license, permit,
41 certification, or registration of authority;

42 (b) An office or division of state, county, or
43 municipal government, including a political subdivision or a
44 board or commission designated by statute or approved local
45 ordinance, to make fitness determinations on applications
46 for state, county, or municipal government employment; or

47 (c) Any entity that is authorized to obtain criminal
48 history record information under 28 CFR 20.33.

49 2. The central repository shall have the authority to
50 submit applicant fingerprints to the National Rap Back
51 program to be retained for the purpose of being searched
52 against future submissions to the National Rap Back program,
53 including latent fingerprint searches. Qualified entities
54 may conduct Missouri and national criminal record reviews on
55 applicants and participate in Missouri and National Rap Back
56 programs for the purpose of determining suitability or
57 fitness for a permit, license, or employment, and shall
58 abide by the following requirements:

59 (1) The qualified entity shall register with the
60 Missouri state highway patrol prior to submitting a request
61 for screening under this section. As part of such
62 registration, the qualified entity shall indicate if it
63 chooses to enroll their applicants in the Missouri and
64 National Rap Back programs;

65 (2) Qualified entities shall notify applicants subject
66 to a criminal record review under this section that the
67 applicant's fingerprints shall be retained by the state
68 central repository and the Federal Bureau of Investigation
69 and shall be searched against other fingerprints on file,
70 including latent fingerprints;

71 (3) Qualified entities shall notify applicants subject
72 to enrollment in the National Rap Back program that the
73 applicant's fingerprints, while retained, may continue to be
74 compared against other fingerprints submitted or retained by
75 the Federal Bureau of Investigation, including latent
76 fingerprints;

77 (4) The criminal record review and Rap Back process
78 described in this section shall be voluntary and conform to

79 the requirements established in Pub. L. 92-544 and other
80 applicable state or federal law. As a part of the
81 registration, the qualified entity shall agree to comply
82 with state and federal law and shall indicate so by signing
83 an agreement approved by the Missouri state highway patrol.
84 The Missouri state highway patrol may periodically audit
85 qualified entities to ensure compliance with federal law and
86 this section;

87 (5) A qualified entity shall submit to the Missouri
88 state highway patrol a request for screening on applicants
89 covered under this section using a completed fingerprint
90 card;

91 (6) Each request shall be accompanied by a reasonable
92 fee, as provided in section 43.530, plus the amount
93 required, if any, by the Federal Bureau of Investigation for
94 the national criminal record review and enrollment in the
95 National Rap Back program in compliance with applicable
96 state or federal laws;

97 (7) The Missouri state highway patrol shall provide,
98 directly to the qualified entity, the applicant's state
99 criminal history records that are not exempt from disclosure
100 under chapter 610 or are otherwise confidential under law;

101 (8) The national criminal history data shall be
102 available to qualified entities to use only for the purpose
103 of screening applicants as described under this section.
104 The Missouri state highway patrol shall provide the
105 applicant's national criminal history record information
106 directly to the qualified entity;

107 (9) This section shall not require the Missouri state
108 highway patrol to make an eligibility determination on
109 behalf of any qualified entity;

110 (10) The qualified entity shall notify the applicant,
111 in writing, of his or her right to obtain a copy of any
112 criminal record review, including the criminal history
113 records, if any, contained in the report, and of the
114 applicant's right to challenge the accuracy and completeness
115 of any information contained in any such report and to
116 obtain a determination as to the validity of such challenge
117 before a final determination regarding the applicant is made
118 by the qualified entity reviewing the criminal history
119 information. A qualified entity that is required by law to
120 apply screening criteria, including any right to contest or
121 request an exemption from disqualification, shall apply such
122 screening criteria to the state and national criminal
123 history record information received from the Missouri state
124 highway patrol for those applicants subject to the required
125 screening; and

126 (11) Failure to obtain the information authorized
127 under this section with respect to an applicant shall not be
128 used as evidence in any negligence action against a
129 qualified entity. The state, any political subdivision of
130 the state, or any agency, officer, or employee of the state
131 or a political subdivision shall not be liable for damages
132 for providing the information requested under this section.

133 3. The criminal record review shall include the
134 submission of fingerprints to the Missouri state highway
135 patrol, who shall conduct a Missouri criminal record review,
136 including closed record information under section 610.120.
137 The Missouri state highway patrol shall also forward a copy
138 of the applicant's fingerprints to the Federal Bureau of
139 Investigation for a national criminal record review.

140 4. The applicant subject to a criminal record review
141 shall provide the following information to the qualified
142 entity:

143 (1) Consent to obtain the applicant's fingerprints,
144 conduct the criminal record review, and participate in the
145 Missouri and National Rap Back programs;

146 (2) Consent to obtain the identifying information
147 required to conduct the criminal record review, which may
148 include, but not be limited to:

149 (a) Name;

150 (b) Date of birth;

151 (c) Height;

152 (d) Weight;

153 (e) Eye color;

154 (f) Hair color;

155 (g) Gender;

156 (h) Race;

157 (i) Place of birth;

158 (j) Social Security number; and

159 (k) The applicant's photo.

160 5. Any information received by an authorized state
161 agency or a qualified entity pursuant to the provisions of
162 this section shall be used solely for internal purposes in
163 determining the suitability of an applicant. The
164 dissemination of criminal history information from the
165 Federal Bureau of Investigation beyond the authorized state
166 agency or related governmental entity is prohibited. All
167 criminal record check information shall be confidential and
168 any person who discloses the information beyond the scope
169 allowed is guilty of a class A misdemeanor.

170 6. A qualified entity enrolled in either the Missouri
171 or National Rap Back programs shall be notified by the

172 Missouri state highway patrol that a new arrest has been
173 reported on an applicant who is employed, licensed, or
174 otherwise under the purview of the qualified entity. Upon
175 receiving the Rap Back notification, if the qualified entity
176 deems that the applicant is still serving in an active
177 capacity, the entity may request and receive the
178 individual's updated criminal history record. This process
179 shall only occur if:

180 (1) The agency has abided by all procedures and rules
181 promulgated by the Missouri state highway patrol and Federal
182 Bureau of Investigation regarding the Missouri and National
183 Rap Back programs;

184 (2) The individual upon whom the Rap Back notification
185 is being made has previously had a Missouri and national
186 criminal record review completed for the qualified entity
187 under this section [within the previous six years]; and

188 (3) The individual upon whom the Rap Back notification
189 is being made is a current employee, licensee, or otherwise
190 still actively under the purview of the qualified entity.

191 7. The highway patrol shall make available or approve
192 the necessary forms, procedures, and agreements necessary to
193 implement the provisions of this section.

105.1500. 1. This section shall be known and may be
2 cited as "The Personal Privacy Protection Act".

3 2. As used in this section, the following terms mean:

4 (1) "Personal information", any list, record,
5 register, registry, roll, roster, or other compilation of
6 data of any kind that directly or indirectly identifies a
7 person as a member, supporter, or volunteer of, or donor of
8 financial or nonfinancial support to, any entity exempt from
9 federal income [tax] **taxation** under Section 501(c) of the
10 Internal Revenue Code of 1986, as amended;

11 (2) "Public agency", the state and any political
12 subdivision thereof including, but not limited to, any
13 department, agency, office, commission, board, division, or
14 other entity of state government; any county, city,
15 township, village, school district, community college
16 district; or any other local governmental unit, agency,
17 authority, council, board, commission, state or local court,
18 tribunal or other judicial or quasi-judicial body.

19 3. (1) Notwithstanding any provision of law to the
20 contrary, but subject to the exceptions listed under
21 **[subsection] subsections 4 and 6** of this section, a public
22 agency shall not:

23 (a) Require any individual to provide the public
24 agency with personal information or otherwise compel the
25 release of personal information;

26 (b) Require any entity exempt from federal income
27 taxation under Section 501(c) of the Internal Revenue Code
28 **of 1986, as amended**, to provide the public agency with
29 personal information or otherwise compel the release of
30 personal information;

31 (c) Release, publicize, or otherwise publicly disclose
32 personal information in possession of a public agency
33 **without the express, written permission of every individual**
34 **who is identifiable as a financial supporter of an entity**
35 **exempt from federal income taxation under Section 501(c) of**
36 **the Internal Revenue Code of 1986, as amended; or**

37 (d) Request or require a current or prospective
38 contractor or grantee with the public agency to provide the
39 public agency with a list of entities exempt from federal
40 income taxation under Section 501(c) of the Internal Revenue
41 Code of 1986, as amended, to which it has provided financial
42 or nonfinancial support.

43 (2) All personal information in the possession of a
44 public agency shall be considered a closed record under
45 chapter 610 and court operating rules.

46 4. The provisions of this section shall not preclude
47 any individual or entity from being required to comply with
48 any of the following:

49 (1) Submitting any report or disclosure required by
50 this chapter or chapter 130;

51 (2) Responding to any lawful request or subpoena for
52 personal information from the Missouri ethics commission as
53 a part of an investigation, or publicly disclosing personal
54 information as a result of an enforcement action from the
55 Missouri ethics commission pursuant to its authority in
56 sections 105.955 to 105.966;

57 (3) Responding to any lawful warrant for personal
58 information issued by a court of competent jurisdiction;

59 (4) Responding to any lawful request for discovery of
60 personal information in litigation if:

61 (a) The requestor demonstrates a compelling need for
62 the personal information by clear and convincing evidence;
63 and

64 (b) The requestor obtains a protective order barring
65 disclosure of personal information to any person not named
66 in the litigation;

67 (5) Applicable court rules or admitting any personal
68 information as relevant evidence before a court of competent
69 jurisdiction. However, a submission of personal information
70 to a court shall be made in a manner that it is not publicly
71 revealed and no court shall publicly reveal personal
72 information absent a specific finding of good cause; or

73 (6) Any report or disclosure required by state law to
74 be filed with the secretary of state, provided that personal

75 information obtained by the secretary of state is otherwise
76 subject to the requirements of paragraph (c) of subdivision
77 (1) of subsection 3 of this section, unless expressly
78 required to be made public by state law.

79 5. (1) A person or entity alleging a violation of
80 this section may bring a civil action for appropriate
81 injunctive relief, damages, or both. Damages awarded under
82 this section may include one of the following, as
83 appropriate:

84 (a) A sum of moneys not less than two thousand five
85 hundred dollars to compensate for injury or loss caused by
86 each violation of this section; or

87 (b) For an intentional violation of this section, a
88 sum of moneys not to exceed three times the sum described in
89 paragraph (a) of this subdivision.

90 (2) A court, in rendering a judgment in an action
91 brought under this section, may award all or a portion of
92 the costs of litigation, including reasonable attorney's
93 fees and witness fees, to the complainant in the action if
94 the court determines that the award is appropriate.

95 (3) A person who knowingly violates this section is
96 guilty of a class B misdemeanor.

97 **6. This section shall not apply to:**

98 **(1) Personal information that a person or entity**
99 **exempt from federal income taxation under Section 501(c) of**
100 **the Internal Revenue Code of 1986, as amended, submits or**
101 **has previously submitted to a public agency for the purpose**
102 **of seeking or obtaining, including acting on behalf of**
103 **another to seek or obtain, a contract, grant, permit,**
104 **license, benefit, tax credit, incentive, status, or any**
105 **other similar item, including a renewal of the same,**
106 **provided that a public agency shall not require an entity**

107 exempt from federal income taxation under Section 501(c) of
108 the Internal Revenue Code of 1986, as amended, to provide
109 information that directly identifies donors of financial
110 support, but such information may be voluntarily provided to
111 a public agency by the 501(c) entity. If a financial donor
112 is seeking a benefit, tax credit, incentive, or any other
113 similar item from a public agency based upon a donation,
114 confirmation of specific donations by an entity exempt from
115 federal income taxation under Section 501(c) of the Internal
116 Revenue Code of 1986, as amended, shall be considered
117 personal information voluntarily provided to the public
118 agency by the 501(c) entity;

119 (2) A disclosure of personal information among law
120 enforcement agencies or public agency investigators pursuant
121 to an active investigation;

122 (3) A disclosure of personal information voluntarily
123 made as part of public comment, public testimony, pleading,
124 or in a public meeting, or voluntarily provided to a public
125 agency, for the purpose of public outreach, marketing, or
126 education to show appreciation for or in partnership with an
127 entity or the representatives of an entity exempt from
128 federal income taxation under Section 501(c) of the Internal
129 Revenue Code of 1986, as amended, provided that no public
130 agency shall disclose information that directly identifies
131 an individual as a donor of financial support to a 501(c)
132 entity without the express, written permission of the
133 individual to which the personal information relates;

134 (4) A disclosure of personal information to a labor
135 union or employee association regarding employees in a
136 bargaining unit represented by the union or association; or

137 **(5) The collection or publishing of information**
138 **contained in a financial interest statement, as provided by**
139 **law.**

193.265. 1. For the issuance of a certification or
2 copy of a death record, the applicant shall pay a fee of
3 fourteen dollars for the first certification or copy and a
4 fee of eleven dollars for each additional copy ordered at
5 that time. For the issuance of a certification or copy of a
6 birth, marriage, divorce, or fetal death record, the
7 applicant shall pay a fee of fifteen dollars. No fee shall
8 be required or collected for a certification of birth,
9 death, or marriage if the request for certification is made
10 by the children's division, the division of youth services,
11 a guardian ad litem, or a juvenile officer on behalf of a
12 child or person under twenty-one years of age who has come
13 under the jurisdiction of the juvenile court under section
14 211.031. All fees collected under this subsection shall be
15 deposited to the state department of revenue. Beginning
16 August 28, 2004, for each vital records fee collected, the
17 director of revenue shall credit four dollars to the general
18 revenue fund, five dollars to the children's trust fund, one
19 dollar shall be credited to the endowed care cemetery audit
20 fund, one dollar for each certification or copy of death
21 records to the Missouri state coroners' training fund
22 established in section 58.208, and three dollars for the
23 first copy of death records and five dollars for birth,
24 marriage, divorce, and fetal death records shall be credited
25 to the Missouri public health services fund established in
26 section 192.900. Money in the endowed care cemetery audit
27 fund shall be available by appropriation to the division of
28 professional registration to pay its expenses in
29 administering sections 214.270 to 214.410. All interest

30 earned on money deposited in the endowed care cemetery audit
31 fund shall be credited to the endowed care cemetery fund.
32 Notwithstanding the provisions of section 33.080 to the
33 contrary, money placed in the endowed care cemetery audit
34 fund shall not be transferred and placed to the credit of
35 general revenue until the amount in the fund at the end of
36 the biennium exceeds three times the amount of the
37 appropriation from the endowed care cemetery audit fund for
38 the preceding fiscal year. The money deposited in the
39 public health services fund under this section shall be
40 deposited in a separate account in the fund, and moneys in
41 such account, upon appropriation, shall be used to automate
42 and improve the state vital records system, and develop and
43 maintain an electronic birth and death registration system.
44 For any search of the files and records, when no record is
45 found, the state shall be entitled to a fee equal to the
46 amount for a certification of a vital record for a five-year
47 search to be paid by the applicant. For the processing of
48 each legitimation, adoption, court order or recording after
49 the registrant's twelfth birthday, the state shall be
50 entitled to a fee equal to the amount for a certification of
51 a vital record. Except whenever a certified copy or copies
52 of a vital record is required to perfect any claim of any
53 person on relief, or any dependent of any person who was on
54 relief for any claim upon the government of the state or
55 United States, the state registrar shall, upon request,
56 furnish a certified copy or so many certified copies as are
57 necessary, without any fee or compensation therefor.

58 2. For the issuance of a certification of a death
59 record by the local registrar, the applicant shall pay a fee
60 of fourteen dollars for the first certification or copy and
61 a fee of eleven dollars for each additional copy ordered at

62 that time. For each fee collected under this subsection,
63 one dollar shall be deposited to the state department of
64 revenue and the remainder shall be deposited to the official
65 city or county health agency. The director of revenue shall
66 credit all fees deposited to the state department of revenue
67 under this subsection to the Missouri state coroners'
68 training fund established in section 58.208.

69 3. For the issuance of a certification or copy of a
70 birth, marriage, divorce, or fetal death record, the
71 applicant shall pay a fee of fifteen dollars; except that,
72 in any county with a charter form of government and with
73 more than six hundred thousand but fewer than seven hundred
74 thousand inhabitants, a donation of one dollar may be
75 collected by the local registrar over and above any fees
76 required by law when a certification or copy of any marriage
77 license or birth certificate is provided, with such
78 donations collected to be forwarded monthly by the local
79 registrar to the county treasurer of such county and the
80 donations so forwarded to be deposited by the county
81 treasurer into the housing resource commission fund to
82 assist homeless families and provide financial assistance to
83 organizations addressing homelessness in such county. The
84 local registrar shall include a check-off box on the
85 application form for such copies. All fees collected under
86 this subsection, other than the donations collected in any
87 county with a charter form of government and with more than
88 six hundred thousand but fewer than seven hundred thousand
89 inhabitants for marriage licenses and birth certificates,
90 shall be deposited to the official city or county health
91 agency.

92 4. A certified copy of a death record by the local
93 registrar can only be issued within twenty-four hours of

94 receipt of the record by the local registrar. Computer-
95 generated certifications of death records may be issued by
96 the local registrar after twenty-four hours of receipt of
97 the records. The fees paid to the official county health
98 agency shall be retained by the local agency for local
99 public health purposes.

100 5. No fee under this section shall be required or
101 collected from a parent or guardian of a homeless child or
102 homeless youth, as defined in subsection 1 of section
103 167.020, or an unaccompanied youth, as defined in 42 U.S.C.
104 Section 11434a(6), for the issuance of a certification, or
105 copy of such certification, of birth of such child or
106 youth. An unaccompanied youth shall be eligible to receive
107 a certification or copy of his or her own birth record
108 without the consent or signature of his or her parent or
109 guardian; provided, that only one certificate under this
110 provision shall be provided without cost to the
111 unaccompanied or homeless youth. For the issuance of any
112 additional certificates, the statutory fee shall be paid.

113 **6. (1) Notwithstanding any provision of law to the**
114 **contrary, no fee shall be required or collected for a**
115 **certification of birth if the request is made by a victim of**
116 **domestic violence or abuse, as those terms are defined in**
117 **section 455.010, and the victim provides documentation**
118 **signed by an employee, agent, or volunteer of a victim**
119 **service provider, an attorney, or a health care or mental**
120 **health professional, from whom the victim has sought**
121 **assistance relating to the domestic violence or abuse. Such**
122 **documentation shall state that, under penalty of perjury,**
123 **the employee, agent, or volunteer of a victim service**
124 **provider, the attorney, or the health care or mental health**

125 professional believes the victim has been involved in an
126 incident of domestic violence or abuse.

127 (2) A victim may be eligible only one time for a fee
128 waiver under this subsection.

195.817. 1. The department of health and senior
2 services shall require all employees, contractors, owners,
3 and volunteers of marijuana facilities to submit
4 fingerprints to the Missouri state highway patrol for the
5 purpose of conducting a state and federal fingerprint-based
6 criminal background check.

7 2. The department may require that such fingerprint
8 submissions be made as part of a marijuana facility
9 application, a marijuana facility renewal application, and
10 an individual's application for a license or permit
11 authorizing that individual to be an employee, contractor,
12 owner, or volunteer of a marijuana facility.

13 3. Fingerprint cards and any required fees shall be
14 sent to the Missouri state highway patrol's central
15 repository. The fingerprints shall be used for searching
16 the state criminal records repository and shall also be
17 forwarded to the Federal Bureau of Investigation for a
18 federal criminal records search under section 43.540. The
19 Missouri state highway patrol shall notify the department of
20 any criminal history record information or lack of criminal
21 history record information discovered on the individual.
22 Notwithstanding the provisions of section 610.120 to the
23 contrary, all records related to any criminal history
24 information discovered shall be accessible and available to
25 the department.

26 4. As used in this section, the following terms shall
27 mean:

28 (1) "Contractor", a person performing work or service
29 of any kind for a marijuana facility for more than fourteen
30 days in a calendar year in accordance with a contract with
31 that facility;

32 (2) "Marijuana facility", an entity licensed or
33 certified by the department of health and senior services to
34 cultivate, manufacture, test, transport, dispense, or
35 conduct research on marijuana or marijuana products;

36 (3) "Owner", an individual who has a financial
37 interest or voting interest in ten percent or greater of a
38 marijuana facility.

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, grantees, and
9 contractors in connection to matters relating to its
10 official duties. The provisions of this section shall not
11 apply to any state, county, or municipal law enforcement
12 agency acting in its official capacity.

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

610.021. Except to the extent disclosure is otherwise
2 required by law, a public governmental body is authorized to
3 close meetings, records and votes, to the extent they relate
4 to the following:

5 (1) Legal actions, causes of action or litigation
6 involving a public governmental body and any confidential or

7 privileged communications between a public governmental body
8 or its representatives and its attorneys. However, any
9 minutes, vote or settlement agreement relating to legal
10 actions, causes of action or litigation involving a public
11 governmental body or any agent or entity representing its
12 interests or acting on its behalf or with its authority,
13 including any insurance company acting on behalf of a public
14 government body as its insured, shall be made public upon
15 final disposition of the matter voted upon or upon the
16 signing by the parties of the settlement agreement, unless,
17 prior to final disposition, the settlement agreement is
18 ordered closed by a court after a written finding that the
19 adverse impact to a plaintiff or plaintiffs to the action
20 clearly outweighs the public policy considerations of
21 section 610.011, however, the amount of any moneys paid by,
22 or on behalf of, the public governmental body shall be
23 disclosed; provided, however, in matters involving the
24 exercise of the power of eminent domain, the vote shall be
25 announced or become public immediately following the action
26 on the motion to authorize institution of such a legal
27 action. Legal work product shall be considered a closed
28 record;

29 (2) Leasing, purchase or sale of real estate by a
30 public governmental body where public knowledge of the
31 transaction might adversely affect the legal consideration
32 therefor. However, any minutes, vote or public record
33 approving a contract relating to the leasing, purchase or
34 sale of real estate by a public governmental body shall be
35 made public upon execution of the lease, purchase or sale of
36 the real estate;

37 (3) Hiring, firing, disciplining or promoting of
38 particular employees by a public governmental body when

39 personal information about the employee is discussed or
40 recorded. However, any vote on a final decision, when taken
41 by a public governmental body, to hire, fire, promote or
42 discipline an employee of a public governmental body shall
43 be made available with a record of how each member voted to
44 the public within seventy-two hours of the close of the
45 meeting where such action occurs; provided, however, that
46 any employee so affected shall be entitled to prompt notice
47 of such decision during the seventy-two-hour period before
48 such decision is made available to the public. As used in
49 this subdivision, the term "personal information" means
50 information relating to the performance or merit of
51 individual employees;

52 (4) The state militia or national guard or any part
53 thereof;

54 (5) Nonjudicial mental or physical health proceedings
55 involving identifiable persons, including medical,
56 psychiatric, psychological, or alcoholism or drug dependency
57 diagnosis or treatment;

58 (6) Scholastic probation, expulsion, or graduation of
59 identifiable individuals, including records of individual
60 test or examination scores; however, personally identifiable
61 student records maintained by public educational
62 institutions shall be open for inspection by the parents,
63 guardian or other custodian of students under the age of
64 eighteen years and by the parents, guardian or other
65 custodian and the student if the student is over the age of
66 eighteen years;

67 (7) Testing and examination materials, before the test
68 or examination is given or, if it is to be given again,
69 before so given again;

70 (8) Welfare cases of identifiable individuals;

71 (9) Preparation, including any discussions or work
72 product, on behalf of a public governmental body or its
73 representatives for negotiations with employee groups;

74 (10) Software codes for electronic data processing and
75 documentation thereof;

76 (11) Specifications for competitive bidding, until
77 either the specifications are officially approved by the
78 public governmental body or the specifications are published
79 for bid;

80 (12) Sealed bids and related documents, until the bids
81 are opened; and sealed proposals and related documents or
82 any documents related to a negotiated contract until a
83 contract is executed, or all proposals are rejected;

84 (13) Individually identifiable personnel records,
85 performance ratings or records pertaining to employees or
86 applicants for employment, except that this exemption shall
87 not apply to the names, positions, salaries and lengths of
88 service of officers and employees of public agencies once
89 they are employed as such, and the names of private sources
90 donating or contributing money to the salary of a chancellor
91 or president at all public colleges and universities in the
92 state of Missouri and the amount of money contributed by the
93 source;

94 (14) Records which are protected from disclosure by
95 law;

96 (15) Meetings and public records relating to
97 scientific and technological innovations in which the owner
98 has a proprietary interest;

99 (16) Records relating to municipal hotlines
100 established for the reporting of abuse and wrongdoing;

101 (17) Confidential or privileged communications between
102 a public governmental body and its auditor, including all

103 auditor work product; however, all final audit reports
104 issued by the auditor are to be considered open records
105 pursuant to this chapter;

106 (18) **(a) Security measures, global positioning system**
107 **(GPS) data, investigative information, or investigative or**
108 **surveillance techniques of any public agency responsible for**
109 **law enforcement or public safety that, if disclosed, has the**
110 **potential to endanger the health or safety of an individual**
111 **or the public.**

112 **(b) Any information or data provided to a tip line for**
113 **the purpose of safety or security at an educational**
114 **institution that, if disclosed, has the potential to**
115 **endanger the health or safety of an individual or the public.**

116 **(c) Any information contained in any suspicious**
117 **activity report provided to law enforcement that, if**
118 **disclosed, has the potential to endanger the health or**
119 **safety of an individual or the public.**

120 **(d) Operational guidelines, policies and specific**
121 **response plans developed, adopted, or maintained by any**
122 **public agency responsible for law enforcement, public**
123 **safety, first response, or public health for use in**
124 **responding to or preventing any critical incident [which is**
125 **or appears to be terrorist in nature and]** which has the
126 potential to endanger individual or public safety or
127 health. Financial records related to the procurement of or
128 expenditures relating to operational guidelines, policies or
129 plans purchased with public funds shall be open. When
130 seeking to close information pursuant to this exception, the
131 public governmental body shall affirmatively state in
132 writing that disclosure would impair the public governmental
133 body's ability to protect the security or safety of persons
134 or real property, and shall in the same writing state that

135 the public interest in nondisclosure outweighs the public
136 interest in disclosure of the records;

137 (19) Existing or proposed security systems and
138 structural plans of real property owned or leased by a
139 public governmental body, and information that is
140 voluntarily submitted by a nonpublic entity owning or
141 operating an infrastructure to any public governmental body
142 for use by that body to devise plans for protection of that
143 infrastructure, the public disclosure of which would
144 threaten public safety:

145 (a) Records related to the procurement of or
146 expenditures relating to security systems purchased with
147 public funds shall be open;

148 (b) When seeking to close information pursuant to this
149 exception, the public governmental body shall affirmatively
150 state in writing that disclosure would impair the public
151 governmental body's ability to protect the security or
152 safety of persons or real property, and shall in the same
153 writing state that the public interest in nondisclosure
154 outweighs the public interest in disclosure of the records;

155 (c) Records that are voluntarily submitted by a
156 nonpublic entity shall be reviewed by the receiving agency
157 within ninety days of submission to determine if retention
158 of the document is necessary in furtherance of a state
159 security interest. If retention is not necessary, the
160 documents shall be returned to the nonpublic governmental
161 body or destroyed;

162 (20) The portion of a record that identifies security
163 systems or access codes or authorization codes for security
164 systems of real property;

165 (21) Records that identify the configuration of
166 components or the operation of a computer, computer system,

167 computer network, or telecommunications network, and would
168 allow unauthorized access to or unlawful disruption of a
169 computer, computer system, computer network, or
170 telecommunications network of a public governmental body.
171 This exception shall not be used to limit or deny access to
172 otherwise public records in a file, document, data file or
173 database containing public records. Records related to the
174 procurement of or expenditures relating to such computer,
175 computer system, computer network, or telecommunications
176 network, including the amount of moneys paid by, or on
177 behalf of, a public governmental body for such computer,
178 computer system, computer network, or telecommunications
179 network shall be open;

180 (22) Credit card numbers, personal identification
181 numbers, digital certificates, physical and virtual keys,
182 access codes or authorization codes that are used to protect
183 the security of electronic transactions between a public
184 governmental body and a person or entity doing business with
185 a public governmental body. Nothing in this section shall
186 be deemed to close the record of a person or entity using a
187 credit card held in the name of a public governmental body
188 or any record of a transaction made by a person using a
189 credit card or other method of payment for which
190 reimbursement is made by a public governmental body;

191 (23) Records submitted by an individual, corporation,
192 or other business entity to a public institution of higher
193 education in connection with a proposal to license
194 intellectual property or perform sponsored research and
195 which contains sales projections or other business plan
196 information the disclosure of which may endanger the
197 competitiveness of a business;

198 (24) Records relating to foster home or kinship
199 placements of children in foster care under section 210.498;
200 and

201 (25) Individually identifiable customer usage and
202 billing records for customers of a municipally owned
203 utility, unless the records are requested by the customer or
204 authorized for release by the customer, except that a
205 municipally owned utility shall make available to the public
206 the customer's name, billing address, location of service,
207 and dates of service provided for any commercial service
208 account.

 Section B. Because immediate action is necessary to
2 protect the ability of nonprofit entities to interact with
3 public agencies and restore transparency to governmental
4 contracts, grant programs, and other similar items, the
5 repeal and reenactment of section 105.1500 of section A of
6 this act is deemed necessary for the immediate preservation
7 of the public health, welfare, peace, and safety, and is
8 hereby declared to be an emergency act within the meaning of
9 the constitution, and the repeal and reenactment of section
10 105.1500 of section A of this act shall be in full force and
11 effect upon its passage and approval.

✓