

FIRST REGULAR SESSION

SENATE BILL NO. 397

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

0435S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 490.692 and 565.240, RSMo, and to enact in lieu thereof two new sections relating to judicial proceedings, with penalty provisions.

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

Section A. Sections 490.692 and 565.240, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 490.692 and 565.240, to read as follows:

490.692. 1. Any records or copies of records
2 reproduced in the ordinary course of business by any
3 photographic, photostatic, microfilm, microcard, miniature
4 photographic, optical disk imaging, or other process which
5 accurately reproduces or forms a durable medium for so
6 reproducing the original that would be admissible under
7 sections 490.660 to 490.690 shall be admissible as a
8 business record, subject to other substantive or procedural
9 objections, in any court in this state upon the affidavit of
10 the person who would otherwise provide the prerequisites of
11 sections 490.660 to 490.690, that the records attached to
12 the affidavit were kept as required by section 490.680.

13 2. No party shall be permitted to offer such business
14 records into evidence pursuant to this section unless all
15 other parties to the action have been served with copies of
16 such records and such affidavit at least seven days prior to
17 the day upon which trial of the cause commences.

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. The affidavit permitted by this section may be in
19 form and content substantially as follows:

20 THE STATE OF _____

21 COUNTY OF _____

22 AFFIDAVIT

23 Before me, the undersigned authority, personally
24 appeared _____, who, being by me duly sworn,
25 deposed as follows:

26 My name is _____, I am of sound mind, capable of
27 making this affidavit, and personally acquainted
28 with the facts herein stated:

29 I am the custodian of the records of _____.
30 Attached hereto are _____ pages of records from
31 _____. These _____ pages of records are kept by
32 _____ in the regular course of business, and it
33 was the regular course of business of _____ for an
34 employee or representative of _____ with knowledge
35 of the act, event, condition, opinion, or diagnosis
36 recorded to make the record or to transmit
37 information thereof to be included in such record;
38 and the record was made at or near the time of the
39 act, event, condition, opinion or diagnosis. The
40 records attached hereto are the original or exact
41 duplicates of the original.

42 _____
43 Affiant

44 [In witness whereof I have hereunto subscribed my
45 name and affixed my official seal this _____ day
46 of _____, 20_____.

47 _____]
48 (Signed) (Seal)

49 4. Notwithstanding any other provision of law to the
50 contrary, an affidavit offered pursuant to this section

51 shall not be deemed invalid for the reason that it utilizes
52 an electronic signature or digital signature.

53 5. Notwithstanding any other provision of law to the
54 contrary, an affidavit offered pursuant to this section
55 shall not be deemed invalid for the reason that it does not
56 include a notarization.

57 6. Notwithstanding any other provision of law to the
58 contrary, an affidavit offered pursuant to this section
59 shall be signed in a manner that, if falsely made, would
60 subject the signer to criminal penalties pursuant to section
61 575.040.

565.240. 1. A person commits the offense of unlawful
2 posting of certain information over the internet if:

3 (1) He or she knowingly posts the name, home address,
4 Social Security number, telephone number, or any other
5 personally identifiable information of any person on the
6 internet intending to cause great bodily harm or death, or
7 threatening to cause great bodily harm or death to such
8 person; or

9 (2) He or she knowingly posts the Social Security
10 number of any person on the internet intending to intimidate
11 or harass such person or obtain financial gain from such
12 person.

13 2. The offense of unlawful posting of certain
14 information over the internet **under subdivision (1) of**
15 **subsection 1 of this section** is a class [C misdemeanor] **E**
16 **felony**, unless the person knowingly posts on the internet
17 the name, home address, Social Security number, telephone
18 number, or any other personally identifiable information of
19 any law enforcement officer, corrections officer, parole
20 officer, judge, commissioner, or prosecuting attorney, or of
21 any immediate family member of such law enforcement officer,

22 corrections officer, parole officer, judge, commissioner, or
23 prosecuting attorney, intending to cause great bodily harm
24 or death, or threatening to cause great bodily harm or
25 death, in which case it is a class [E] D felony, and if such
26 intention or threat results in bodily harm or death to such
27 person or immediate family member, the offense of unlawful
28 posting of certain information over the internet is a class
29 [D] C felony.

30 **3. The offense of unlawful posting of certain**
31 **information over the internet under subdivision (2) of**
32 **subsection 1 of this section is a class E felony.**

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