SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 72

AN ACT

To repeal sections 509.520 and 565.240, RSMo, and to enact in lieu thereof nine 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. Sections 509.520 and 565.240, RSMo, are

- 2 repealed and nine new sections enacted in lieu thereof, to be
- 3 known as sections 476.1300, 476.1302, 476.1304, 476.1306,
- 4 476.1308, 476.1310, 476.1313, 509.520, and 565.240, to read as
- 5 follows:

476.1300. 1. Sections 476.1300 to 476.1310 shall be

- 2 known and may be cited as the "Judicial Privacy Act".
- 3 2. As used in sections 476.1300 to 476.1310, 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; agencies, authorities,
- 13 boards, commissions, departments, institutions, offices, and
- 14 any other bodies politic and corporate of a political
- 15 subdivision, including school districts; and any public
- 16 governmental body as that term is defined in section 610.010;

17 "Home address", a judicial officer's permanent residence and any secondary residences affirmatively 18 19 identified by the judicial officer, but does not include a 20 judicial officer's work address; "Immediate family", a judicial officer's spouse, 21 child, adoptive child, foster child, parent, or any 22 unmarried companion of the judicial officer or other 23 24 familial relative of the judicial officer or the judicial officer's spouse who lives in the same residence; 25 26 (4) "Judicial officer", actively employed, formerly 27 employed, or retired: Justices of the Supreme Court of the United States; 28 (a) 29 (b) Judges of the United States Court of Appeals; Judges and magistrate judges of the United States 30 (C) District Courts; 31 Judges of the United States Bankruptcy Court; 32 (d) (e) 33 Judges of the Missouri supreme court; (f) 34 Judges of the Missouri court of appeals; 35 (a) Judges and commissioners of the Missouri circuit courts, including of the divisions of a circuit court; and 36 37 Prosecuting or circuit attorney, or assistant prosecuting or circuit attorney; 38 39 "Personal information", a home address, home 40 telephone number, mobile telephone number, pager number, personal email address, Social Security number, federal tax 41 identification number, checking and savings account numbers, 42 credit card numbers, marital status, and identity of 43 children under eighteen years of age; 44 "Publicly available content", any written, 45 printed, or electronic document or record that provides 46 information or that serves as a document or record 47 maintained, controlled, or in the possession of a government 48 49 agency that may be obtained by any person or entity, from

- 50 the internet, from the government agency upon request either
- 51 free of charge or for a fee, or in response to a request
- 52 pursuant to chapter 610 or the federal Freedom of
- 53 Information Act, 5 U.S.C. Section 552, as amended;
- 54 (7) "Publicly post or display", to communicate to
- 55 another or to otherwise make available to the general public;
- (8) "Written request", written or electronic notice
- 57 signed by:
- (a) A state judicial officer and submitted to the
- 59 clerk of the Missouri supreme court or the clerk's designee;
- **60** or
- 61 (b) A federal judicial officer and submitted to that
- 62 judicial officer's clerk of the court or the clerk's
- 63 designee;
- 64 that is transmitted by the applicable clerk to a government
- 65 agency, person, business, or association to request such
- 66 government agency, person, business, or association refrain
- 67 from posting or displaying publicly available content that
- 68 includes the judicial officer's 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 government agency shall
- 8 remove the judicial officer's personal information from
- 9 publicly available content within five business days. After
- 10 the 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 written consent from the judicial officer to make
- 17 the 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
- information, the judicial officer may bring an action
- 21 seeking injunctive or declaratory relief in any court of
- 22 competent jurisdiction. If the court grants injunctive or
- 23 declaratory relief, the court may award costs and reasonable
- 24 attorney's fees to the judicial officer.
 - 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
- officer in violation of section 575.095 or with the intent
- 12 to pose an imminent and serious threat to the health and
- 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 make
- 15 public the judicial officer's personal information to any
- 16 other 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 476.1304 to 476.1306 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 476.1310 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

- or the clerk's designee to notify government agencies and
- 14 such notice is properly delivered by mail or electronic
- 15 format.
- 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 government agency for the purposes of
- 27 sections 476.1300 to 476.1310.
- 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 consent to release the
- 49 personal information. A judicial officer's written request
- 50 expires on such judicial officer's death.
- 7. The provisions of sections 476.1300 to 476.1310
- 52 shall not apply to any disclosure of personal information of
- 53 a judicial officer or a member of a judicial officer's
- immediate family as required by Article VIII, Section 23 of
- 55 the Missouri Constitution, sections 105.470 to 105.482,
- 56 section 105.498, and chapter 130.
 - 476.1313. 1. Notwithstanding any other provision of
- 2 law to the contrary, a recorder of deeds shall meet the
- 3 requirements of the provisions of 476.1300 to 476.1310 by
- 4 complying with this section. As used in this section, the
- 5 following terms mean:
- 6 (1) "Eligible documents", documents or instruments
- 7 that are maintained by and located in the office of the
- 8 recorder of deeds that are accessed electronically;
- 9 (2) "Immediate family", shall have the same meaning as
- in section 476.1300;
- 11 (3) "Indexes", indexes maintained by and located in
- 12 the office of the recorder of deeds that are accessed
- 13 electronically;
- 14 (4) "Judicial officer", shall have the same meaning as
- in section 476.1300;
- 16 (5) "Recorder of deeds", shall have the same meaning
- 17 as in section 59.005;
- 18 (6) "Shielded", a prohibition against the general
- 19 public's electronic access to eligible documents and the
- 20 unique identifier and recording date contained in indexes
- 21 for eligible documents;

- 22 (7) "Written request", written or electronic notice
- 23 signed by:
- 24 (a) A state judicial officer and submitted to the
- 25 clerk of the Missouri supreme court or the clerk's designee;
- **26** or
- 27 (b) A federal judicial officer and submitted to that
- 28 judicial officer's clerk of the court or the clerk's
- 29 designee;
- 30 that is transmitted electronically by the applicable clerk
- 31 to a recorder of deeds to request that eligible documents be
- 32 shielded.
- 33 2. Written requests transmitted to a recorder of deeds
- 34 shall only include information specific to eligible
- 35 documents maintained by that county. Any written request
- 36 transmitted to a recorder of deeds shall include the
- 37 requesting judicial officer's full legal name or legal alias
- 38 and a document locator number for each eligible document for
- 39 which the judicial officer is requesting shielding. If the
- 40 judicial officer is not a party to the instrument but is
- 41 requesting shielding for an eligible document in which an
- 42 immediate family member is a party to the instrument, the
- 43 full legal name or legal alias of the immediate family
- 44 member shall also be provided.
- 45 3. Not more than five business days after the date on
- 46 which the recorder of deeds receives the written request,
- 47 the recorder of deeds shall shield the eliqible documents
- 48 listed in the written request. Within five business days of
- 49 receipt, the recorder of deeds shall electronically reply to
- 50 the written request with a list of any document locator
- 51 numbers submitted under subsection 2 of this section not
- 52 found in the records maintained by that recorder of deeds.
- 4. If the full legal name or legal alias of the
- 54 judicial officer or immediate family member provided does

- 55 not appear on an eligible document listed in the written
- request, the recorder of deeds may electronically reply to
- 57 the written request with this information. The recorder of
- 58 deeds may delay shielding such eligible document until
- 59 electronic confirmation is received from the applicable
- 60 court clerk or judicial officer.
- 5. In order to shield subsequent eligible documents,
- 62 the judicial officer shall present to the recorder of deeds
- at the time of recording a copy of their written request.
- 64 The recorder of deeds shall ensure that the eligible
- 65 document is shielded within five business days.
- 66 6. Eligible documents shall remain shielded until the
- 67 recorder of deeds receives a court order or notarized
- 68 affidavit signed by the judicial officer directing the
- 69 recorder of deeds to terminate shielding.
- 7. The provisions of this section shall not prohibit
- 71 access to a shielded eligible document by an individual or
- 72 entity that provides to the recorder of deeds a court order
- 73 or notarized affidavit signed by the judicial officer.
- 74 8. No recorder of deeds shall be liable for any
- 75 damages under this section, provided the recorder of deeds
- 76 made a good faith effort to comply with the provisions of
- 77 this section. No recorder of deeds shall be liable for the
- 78 release of any eligible document or any data from any
- 79 eligible document that was released or accessed prior to the
- 80 eligible document being shielded pursuant to this section.
 - 509.520. 1. Notwithstanding any provision of law to
- the contrary, beginning August 28, [2009] 2023, pleadings,
- 3 attachments, or exhibits filed with the court in any case,
- 4 as well as any judgments issued by the court, shall not
- 5 include:

- 6 (1) The full Social Security number of any party or 7 any child who is the subject to an order of custody or 8 support;
- 9 (2) The full credit card number or other financial account number of any party:
- 11 (3) Any personal identifying information, including
 12 name, address, and year of birth, of a minor and, if
 13 applicable, any next friend. Such information shall be
 14 provided in a confidential information filing sheet
 15 contemporaneously filed with the court or entered by the
 16 court, which shall not be subject to public inspection or
 17 availability.
- 2. Contemporaneously with the filing of every petition for dissolution of marriage, legal separation, motion for modification, action to establish paternity, and petition or motion for support or custody of a minor child, the filing party shall file a confidential case filing sheet with the court which shall not be subject to public inspection and which provides:
- 25 (1) The name and address of the current employer and 26 the Social Security number of the petitioner or movant, if a 27 person;
- 28 (2) If known to the petitioner or movant, the name and 29 address of the current employer and the Social Security 30 number of the respondent; and
- 31 (3) The names, dates of birth, and Social Security 32 numbers of any children subject to the action.
- 33. Contemporaneously with the filing of every
 34 responsive pleading petition for dissolution of marriage,
 35 legal separation, motion for modification, action to
 36 establish paternity, and petition or motion for support or
 37 custody of a minor child, the responding party shall file a

- 38 confidential case filing sheet with the court which shall 39 not be subject to public inspection and which provides:
- 40 (1) The name and address of the current employer and 41 the Social Security number of the responding party, if a 42 person;
- 43 (2) If known to the responding party, the name and 44 address of the current employer and the Social Security 45 number of the petitioner or movant; and
- 46 (3) The names, dates of birth, and Social Security 47 numbers of any children subject to the action.
- The full Social Security number of any party or 48 child subject to an order of custody or support shall be 49 50 retained by the court on the confidential case filing sheet or other confidential record maintained in conjunction with 51 52 the administration of the case. The full credit card number or other financial account number of any party may be 53 retained by the court on a confidential record if it is 54 necessary to maintain the number in conjunction with the 55 administration of the case. 56
 - 5. Any document described in subsection 1 of this section shall, in lieu of the full number, include only the last four digits of any such number.

57

58

59

60

61

62

63

- 6. Except as provided in section 452.430, the clerk shall not be required to redact any document described in subsection 1 of this section issued or filed before August 28, 2009, prior to releasing the document to the public.
- 7. For good cause shown, the court may release information contained on the confidential case filing sheet; except that, any state agency acting under authority of chapter 454 shall have access to information contained herein without court order in carrying out their official duty.

```
565.240.
                   1. A person commits the offense of unlawful
2
    posting of certain information over the internet if he or
3
    she knowingly posts the name, home address, Social Security
    number, telephone number, or any other personally
4
5
    identifiable information of any person on the internet
6
    intending to cause great bodily harm or death, or
    threatening to cause great bodily harm or death to such
7
8
    person.
9
         2.
             The offense of unlawful posting of certain
10
    information over the internet is a class C misdemeanor,
    unless the person knowingly posts on the internet the name,
11
    home address, Social Security number, telephone number, or
12
13
    any other personally identifiable information of any law
    enforcement officer, corrections officer, parole officer,
14
    judge, commissioner, or prosecuting attorney, or of any
15
16
    immediate family member of such law enforcement officer,
17
    corrections officer, parole officer, judge, commissioner, or
    prosecuting attorney, intending to cause great bodily harm
18
19
    or death, or threatening to cause great bodily harm or
    death, in which case it is a class E felony, and if such
20
    intention or threat results in bodily harm or death to such
21
22
    person or immediate family member, the offense of unlawful
    posting of certain information over the internet is a class
23
```

24

D felony.