

FIRST REGULAR SESSION

HOUSE BILL NO. 138

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RICHEY.

0090H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to disclosures of allegations of sexual misconduct.

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

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.049, to read as follows:

537.049. 1. No charity, nonprofit organization, religious organization, or church, or persons acting on behalf of a charity, nonprofit organization, religious organization, or church, shall be held civilly liable for any communication regarding an individual made directly to another charity, nonprofit organization, religious organization, or church, or persons acting on behalf of a charity, nonprofit organization, religious organization, or church, to the extent the communication concerns an allegation that the individual has:

- (1) Engaged in sexual misconduct;**
- (2) Sexually abused another individual;**
- (3) Sexually harassed another individual;**
- (4) Committed any sexual offense under chapter 566; or**
- (5) Engaged in conduct affecting the individual's fitness for religious ministry, but only in the case of a communication to a church or religious organization or persons acting on behalf of a church or religious organization.**

2. Immunity from civil liability under subsection 1 of this section applies in relation to an allegation described in subsection 1 of this section that was required to have been reported as abuse under sections 210.109 to 210.183 only if the allegation has

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **been, at the time of the act to disclose, previously reported to the children's division**
19 **within the department of social services under section 210.115.**

20 **3. An individual is not immune from liability under this section for:**

21 **(1) Disclosing the individual's own conduct; or**

22 **(2) Any communication made with actual malice or with reckless indifference as**
23 **to the truth and veracity of such allegation while making a disclosure described in**
24 **subsection 1 of this section.**

25 **4. This section does not replace, limit, or alter any other defense or privilege**
26 **available to a person based on communications.**

✓