

FIRST REGULAR SESSION

SENATE BILL NO. 52

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0715S.011

AN ACT

To repeal sections 610.100 and 610.200, RSMo, and to enact in lieu thereof six new sections relating to suicide awareness and prevention, with an emergency clause for certain sections.

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

Section A. Sections 610.100 and 610.200, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 9.154, 173.1200, 191.594, 191.596, 610.100, and 610.200, to read as follows:

9.154. 1. August 28, 2017, and thereafter the date designated by the show-me compassionate medical education research project committee established in section 191.596, shall be designated as "Show Me Compassionate Medical Education Day" in Missouri. The citizens of the state of Missouri are encouraged to participate in appropriate activities and events to increase awareness regarding medical education, medical student well-being, and measures that have been shown to be effective, are currently being evaluated for effectiveness, and are being proposed for effectiveness in positively impacting medical student well-being and education.

2. The director of the department of mental health shall notify the revisor of statutes of the date selected by the show-me compassionate medical education research project committee for the show-me compassionate medical education day.

173.1200. 1. Each public institution of higher education shall develop and implement a policy to advise students and staff on suicide prevention programs available on and off campus that includes, but is

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

4 not limited to:

5 (1) Crisis intervention access, which includes information for
6 national, state, and local suicide prevention hotlines;

7 (2) Mental health program access, which provides information on
8 the availability of local mental health clinics, student health services,
9 and counseling services;

10 (3) Multimedia application access, which includes crisis hotline
11 contact information, suicide warning signs, resources offered, and free-
12 of-cost applications;

13 (4) Student communication plans, which consist of creating
14 outreach plans regarding educational and outreach activities on
15 suicide prevention; and

16 (5) Post intervention plans, which include creating a strategic
17 plan to communicate effectively with students, staff, and parents after
18 the loss of a student to suicide.

19 2. Such policy shall also advise students, faculty, and staff,
20 including residence hall staff, of the proper procedures for identifying
21 and addressing the needs of students exhibiting suicidal tendencies or
22 behavior, and shall provide for training, where appropriate.

23 3. Each public institution of higher education shall provide all
24 incoming students with information about depression and suicide
25 prevention resources available to students. The information provided
26 to students shall include available mental health services and other
27 support services, including student-run organizations for individuals
28 at risk of or affected by suicide.

29 4. The information prescribed by subdivisions (1) through (4) of
30 subsection 1 of this section shall be posted on the website of each
31 institution of higher education in this state.

32 5. Any applicable free-of-cost prevention materials or programs
33 shall be posted on the websites of the public institutions of higher
34 education and the department of higher education.

35 6. (1) Each public institution of higher education shall establish
36 and maintain methods of anonymous reporting concerning unsafe,
37 potentially harmful, dangerous, violent, or criminal activities, or the
38 threat of such activities.

39 (2) Such methods shall ensure that the identity of the reporting
40 party remains unknown to all persons and entities, including law

41 enforcement officers and employees or other persons, except when
42 criminal, civil, or administrative action is initiated regarding unsafe,
43 potentially harmful, dangerous, violent, or criminal activities, or the
44 threat of such activities.

191.594. 1. Sections 191.594 to 191.596 shall be known and may
2 be cited as the "Show-Me Compassionate Medical Education Act".

3 2. No medical school in this state shall prohibit, discourage, or
4 otherwise restrict a medical student organization or medical
5 organization from undertaking or conducting a study of the prevalence
6 of depression and suicide or other mental health issues among medical
7 students. No medical school in this state shall penalize, discipline, or
8 otherwise take any adverse action against a student or a medical
9 student organization in connection with such student's or medical
10 student organization's participation in, planning, or conducting a study
11 of the prevalence of depression and suicide or other mental health
12 issues among medical students.

13 3. For purposes of this section, the following terms shall mean:

14 (1) "Medical organization" includes, but is not limited to,
15 organizations such as the Missouri State Medical Association and the
16 Missouri Association of Osteopathic Physicians and Surgeons;

17 (2) "Medical school", any allopathic or osteopathic school of
18 medicine in this state;

19 (3) "Medical student organization" includes, but is not limited to,
20 organizations such as the American Medical Student Association, the
21 Student Osteopathic Medical Association, and any medical student
22 section of a medical organization.

191.596. 1. Medical schools in this state may, in collaboration
2 with the show-me compassionate medical education research project
3 committee, conduct a single center or multicenter study or studies,
4 which, if conducted, shall be known as the "Show-Me Compassionate
5 Medical Education Research Project", in order to facilitate the
6 collection of data and implement practices and protocols to minimize
7 stress and reduce the risk of depression and suicide for medical
8 students in this state.

9 2. There is hereby established the "Show-Me Compassionate
10 Medical Education Research Project Committee", which shall consist of
11 representatives from each of the medical schools in this state and the

12 director of the department of mental health, or the director's
13 designee. The committee shall:

14 (1) Conduct an initial meeting on August 28, 2017, to organize,
15 and meet as necessary thereafter to implement any research project
16 conducted; and

17 (2) Set the date for the show-me compassionate medical
18 education day designated under section 9.154. The date selected shall
19 be for 2018 and every year thereafter.

20 3. Any single center or multicenter study undertaken by the
21 committee or its member schools may include, but need not be limited
22 to, the following:

23 (1) Development of study protocols designed to identify the root
24 causes that contribute to the risk of depression and suicide for medical
25 students;

26 (2) Examination of the culture and academic program of medical
27 schools that may contribute to the risk of depression and suicide for
28 medical students;

29 (3) Collection of any relevant additional data including, but not
30 limited to, consultation and collaboration with mental health
31 professionals and mental health resources in the communities where
32 medical schools are located;

33 (4) Collaboration between the medical schools in this state in
34 order to share information and to identify and make recommendations
35 under subdivision (5) of this subsection; and

36 (5) Based on the data and findings under subdivisions (1) to (3)
37 of this subsection:

38 (a) Identification of the best practices to be implemented at each
39 medical school designed to address the root causes and changes in
40 medical school culture in order to minimize stress and reduce the risk
41 of depression and suicide for medical students;

42 (b) Recommendation of any statutory or regulatory changes
43 regarding licensure of medical professionals and recommendation of
44 any changes to common practices associated with medical training or
45 medical practice that the committee believes will accomplish the goals
46 set out in this section.

47 4. The committee shall prepare an annual report that shall
48 include any information under subdivision (5) of subsection 3 of this

49 **section and any measures reported by any medical school as a result of**
50 **the findings under this section. The report shall be made available**
51 **annually on each medical school's website and to the Missouri general**
52 **assembly.**

610.100. 1. As used in sections 610.100 to 610.150, the following words
2 and phrases shall mean:

3 (1) "Arrest", an actual restraint of the person of the defendant, or by his
4 or her submission to the custody of the officer, under authority of a warrant or
5 otherwise for a criminal violation which results in the issuance of a summons or
6 the person being booked;

7 (2) "Arrest report", a record of a law enforcement agency of an arrest and
8 of any detention or confinement incident thereto together with the charge
9 therefor;

10 (3) "Inactive", an investigation in which no further action will be taken
11 by a law enforcement agency or officer for any of the following reasons:

12 (a) A decision by the law enforcement agency not to pursue the case;

13 (b) Expiration of the time to file criminal charges pursuant to the
14 applicable statute of limitations, or ten years after the commission of the offense;
15 whichever date earliest occurs;

16 (c) Finality of the convictions of all persons convicted on the basis of the
17 information contained in the investigative report, by exhaustion of or expiration
18 of all rights of appeal of such persons;

19 (4) "Incident report", a record of a law enforcement agency consisting of
20 the date, time, specific location, name of the victim and immediate facts and
21 circumstances surrounding the initial report of a crime or incident, including any
22 logs of reported crimes, accidents and complaints maintained by that agency;

23 (5) "Investigative report", a record, other than an arrest or incident report,
24 prepared by personnel of a law enforcement agency, inquiring into a crime or
25 suspected crime, either in response to an incident report or in response to
26 evidence developed by law enforcement officers in the course of their duties;

27 (6) "Mobile video recorder", any system or device that captures visual
28 signals that is capable of installation and being installed in a vehicle or being
29 worn or carried by personnel of a law enforcement agency and that includes, at
30 minimum, a camera and recording capabilities;

31 (7) "Mobile video recording", any data captured by a mobile video recorder,
32 including audio, video, and any metadata;

33 (8) "Nonpublic location", a place where one would have a reasonable
34 expectation of privacy, including, but not limited to a dwelling, school, or medical
35 facility.

36 2. (1) Each law enforcement agency of this state, of any county, and of
37 any municipality shall maintain records of all incidents reported to the agency,
38 investigations and arrests made by such law enforcement agency. All incident
39 reports and arrest reports shall be open records.

40 (2) Notwithstanding any other provision of law other than the provisions
41 of subsections [4, 5 and 6] **5, 6, and 7** of this section or section 320.083, mobile
42 video recordings and investigative reports of all law enforcement agencies are
43 closed records until the investigation becomes inactive.

44 (3) If any person is arrested and not charged with an offense against the
45 law within thirty days of the person's arrest, the arrest report shall thereafter be
46 a closed record except that the disposition portion of the record may be accessed
47 and except as provided in section 610.120.

48 (4) Except as provided in subsections 3 and [5] **6** of this section, a mobile
49 video recording that is recorded in a nonpublic location is authorized to be closed,
50 except that any person who is depicted in the recording or whose voice is in the
51 recording, a legal guardian or parent of such person if he or she is a minor, a
52 family member of such person within the first degree of consanguinity if he or she
53 is deceased or incompetent, an attorney for such person, or insurer of such
54 person, upon written request, may obtain a complete, unaltered, and unedited
55 copy of a recording under and pursuant to this section.

56 3. Except as provided in subsections [4, 5, 6 and 7] **5, 6, 7, and 8** of this
57 section, if any portion of a record or document of a law enforcement officer or
58 agency, other than an arrest report, which would otherwise be open, contains
59 information that is reasonably likely to pose a clear and present danger to the
60 safety of any victim, witness, undercover officer, or other person; or jeopardize a
61 criminal investigation, including records which would disclose the identity of a
62 source wishing to remain confidential or a suspect not in custody; or which would
63 disclose techniques, procedures or guidelines for law enforcement investigations
64 or prosecutions, that portion of the record shall be closed and shall be redacted
65 from any record made available pursuant to this chapter.

66 4. **(1) Notwithstanding any other provision of this section or law**
67 **to the contrary, any portion of a record or document of a law**
68 **enforcement officer or agency, or public institution of higher**

69 education, involving a suicide or attempted suicide shall be a closed
70 record for thirty days after the suicide or attempted suicide.

71 (2) Notwithstanding the provisions of subsection 1 of this section,
72 if a suicide occurred, such records shall be released prior to thirty days
73 to any relative of the individual within the second degree of
74 consanguinity or affinity upon request.

75 (3) Notwithstanding the provisions of subsection 1 of this section,
76 in the case of an attempted suicide, such records shall be released to
77 the individual who attempted to commit suicide at the individual's
78 request or upon the request of the individual's parent or guardian if
79 the individual is a minor, or the individual's spouse or relative within
80 the second degree of consanguinity or affinity if the individual is
81 incapacitated.

82 (4) Notwithstanding the provisions of subsection 1 of this section,
83 in the case of suicide or attempted suicide, such records may be
84 released for the following purposes:

85 (a) Criminal, civil, administrative, or other legal proceedings;

86 (b) Law enforcement investigative or other purposes;

87 (c) To any covered entity, as defined in the Health Insurance
88 Portability and Accountability Act of 1996, as amended, that is
89 providing or may provide services to any individual or his or her
90 relative within the second degree of consanguinity or affinity; or

91 (d) If the release of such information is immediately necessary
92 for the preservation of the health and safety of any individual or for
93 public health and welfare.

94 5. Any person, including a legal guardian or a parent of such person if he
95 or she is a minor, family member of such person within the first degree of
96 consanguinity if such person is deceased or incompetent, attorney for a person,
97 or insurer of a person involved in any incident or whose property is involved in
98 an incident, may obtain any records closed pursuant to this section or section
99 610.150 for purposes of investigation of any civil claim or defense, as provided by
100 this subsection. Any individual, legal guardian or parent of such person if he or
101 she is a minor, his or her family member within the first degree of consanguinity
102 if such individual is deceased or incompetent, his or her attorney or insurer,
103 involved in an incident or whose property is involved in an incident, upon written
104 request, may obtain a complete unaltered and unedited incident report concerning
105 the incident, and may obtain access to other records closed by a law enforcement

106 agency pursuant to this section. Within thirty days of such request, the agency
107 shall provide the requested material or file a motion pursuant to this subsection
108 with the circuit court having jurisdiction over the law enforcement agency stating
109 that the safety of the victim, witness or other individual cannot be reasonably
110 ensured, or that a criminal investigation is likely to be jeopardized. If, based on
111 such motion, the court finds for the law enforcement agency, the court shall either
112 order the record closed or order such portion of the record that should be closed
113 to be redacted from any record made available pursuant to this subsection.

114 [5.] 6. (1) Any person may bring an action pursuant to this section in the
115 circuit court having jurisdiction to authorize disclosure of a mobile video
116 recording or the information contained in an investigative report of any law
117 enforcement agency, which would otherwise be closed pursuant to this
118 section. The court may order that all or part of a mobile video recording or the
119 information contained in an investigative report be released to the person
120 bringing the action.

121 (2) In making the determination as to whether information contained in
122 an investigative report shall be disclosed, the court shall consider whether the
123 benefit to the person bringing the action or to the public outweighs any harm to
124 the public, to the law enforcement agency or any of its officers, or to any person
125 identified in the investigative report in regard to the need for law enforcement
126 agencies to effectively investigate and prosecute criminal activity.

127 (3) In making the determination as to whether a mobile video recording
128 shall be disclosed, the court shall consider:

129 (a) Whether the benefit to the person bringing the action or the benefit
130 to the public outweighs any harm to the public, to the law enforcement agency or
131 any of its officers, or to any person identified in the mobile video recording in
132 regard and with respect to the need for law enforcement agencies to effectively
133 investigate and prosecute criminal activity;

134 (b) Whether the mobile video recording contains information that is
135 reasonably likely to disclose private matters in which the public has no legitimate
136 concern;

137 (c) Whether the mobile video recording is reasonably likely to bring shame
138 or humiliation to a person of ordinary sensibilities; and

139 (d) Whether the mobile video recording was taken in a place where a
140 person recorded or depicted has a reasonable expectation of privacy.

141 (4) The mobile video recording or investigative report in question may be

142 examined by the court in camera.

143 (5) If the disclosure is authorized in whole or in part, the court may make
144 any order that justice requires, including one or more of the following:

145 (a) That the mobile video recording or investigative report may be
146 disclosed only on specified terms and conditions, including a designation of the
147 time or place;

148 (b) That the mobile video recording or investigative report may be had
149 only by a method of disclosure other than that selected by the party seeking such
150 disclosure and may be disclosed to the person making the request in a different
151 manner or form as requested;

152 (c) That the scope of the request be limited to certain matters;

153 (d) That the disclosure occur with no one present except persons
154 designated by the court;

155 (e) That the mobile video recording or investigative report be redacted to
156 exclude, for example, personally identifiable features or other sensitive
157 information;

158 (f) That a trade secret or other confidential research, development, or
159 commercial information not be disclosed or be disclosed only in a designated way.

160 (6) The court may find that the party seeking disclosure of the mobile
161 video recording or the investigative report shall bear the reasonable and
162 necessary costs and attorneys' fees of both parties, unless the court finds that the
163 decision of the law enforcement agency not to open the mobile video recording or
164 investigative report was substantially unjustified under all relevant
165 circumstances, and in that event, the court may assess such reasonable and
166 necessary costs and attorneys' fees to the law enforcement agency.

167 [6.] 7. Any person may apply pursuant to this subsection to the circuit
168 court having jurisdiction for an order requiring a law enforcement agency to open
169 incident reports and arrest reports being unlawfully closed pursuant to this
170 section. If the court finds by a preponderance of the evidence that the law
171 enforcement officer or agency has knowingly violated this section, the officer or
172 agency shall be subject to a civil penalty in an amount up to one thousand
173 dollars. If the court finds that there is a knowing violation of this section, the
174 court may order payment by such officer or agency of all costs and attorneys' fees,
175 as provided by section 610.027. If the court finds by a preponderance of the
176 evidence that the law enforcement officer or agency has purposely violated this
177 section, the officer or agency shall be subject to a civil penalty in an amount up

178 to five thousand dollars and the court shall order payment by such officer or
179 agency of all costs and attorney fees, as provided in section 610.027. The court
180 shall determine the amount of the penalty by taking into account the size of the
181 jurisdiction, the seriousness of the offense, and whether the law enforcement
182 officer or agency has violated this section previously.

183 [7.] 8. The victim of an offense as provided in chapter 566 may request
184 that his or her identity be kept confidential until a charge relating to such
185 incident is filed.

186 [8.] 9. Any person who requests and receives a mobile video recording
187 that was recorded in a nonpublic location under and pursuant to this section is
188 prohibited from displaying or disclosing the mobile video recording, including any
189 description or account of any or all of the mobile video recording, without first
190 providing direct third-party notice to each person not affiliated with a law
191 enforcement agency or each non-law enforcement agency individual whose image
192 or sound is contained in the recording, and affording, upon receiving such notice,
193 each person appearing and whose image or sound is contained in the mobile video
194 recording no less than ten days to file and serve an action seeking an order from
195 a court of competent jurisdiction to enjoin all or some of the intended display,
196 disclosure, description, or account of the recording. Any person who fails to
197 comply with the provisions of this subsection is subject to damages in a civil
198 action proceeding.

610.200. 1. **Except as provided in subsection 2 of this section,** all
2 law enforcement agencies that maintain a daily log or record that lists suspected
3 crimes, accidents, or complaints shall make available the following information
4 for inspection and copying by the public:

5 (1) The time, substance, and location of all complaints or requests for
6 assistance received by the agency;

7 (2) The time and nature of the agency's response to all complaints or
8 requests for assistance; and

9 (3) If the incident involves an alleged crime or infraction:

10 (a) The time, date, and location of occurrence;

11 (b) The name and age of any victim, unless the victim is a victim of a
12 crime under chapter 566;

13 (c) The factual circumstances surrounding the incident; and

14 (d) A general description of any injuries, property or weapons involved.

15 **2. Notwithstanding any other provision of law to the contrary,**

16 **no law enforcement agency or public institution of higher education**
17 **shall release any portion of a record or document of a law enforcement**
18 **officer or agency involving a suicide or attempted suicide unless such**
19 **release complies with the requirements of subsection 4 of section**
20 **610.100.**

Section B. Because immediate action is necessary to ensure the well-being
2 of medical students in this state, the enactment of sections 9.154, 191.594, and
3 191.596 of section A of this act is deemed necessary for the immediate
4 preservation of the public health, welfare, peace, and safety, and is hereby
5 declared to be an emergency act within the meaning of the constitution, and the
6 enactment of sections 9.154, 191.594, and 191.596 of section A of this act shall be
7 in full force and effect upon its passage and approval.

✓

Bill

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