

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 72

102ND GENERAL ASSEMBLY

0524S.03C

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 565.240, RSMo, and to enact in lieu thereof seven 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Section A. Section 565.240, RSMo, is repealed and seven
2 new sections enacted in lieu thereof, to be known as sections
3 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, and
4 565.240, to read as follows:

**476.1300. 1. Sections 476.1300 to 476.1312 shall be
2 known and may be cited as the "Judicial Privacy Act".**

**3 2. As used in sections 476.1300 to 476.1312, 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 (2) "Home address", a judicial officer's permanent
18 residence and any secondary residences affirmatively
19 identified by the judicial officer, but does not include a
20 judicial officer's work address;

21 (3) "Immediate family", a judicial officer's spouse,
22 child, adoptive child, foster child, parent, or any
23 unmarried companion of the judicial officer or other
24 familial relative of the judicial officer or the judicial
25 officer's spouse who lives in the same residence;

26 (4) "Judicial officer", actively employed, formerly
27 employed, or retired:

28 (a) Justices of the Supreme Court of the United States;

29 (b) Judges of the United States Court of Appeals;

30 (c) Judges and magistrate judges of the United States
31 District Courts;

32 (d) Judges of the United States Bankruptcy Court;

33 (e) Judges of the Missouri supreme court;

34 (f) Judges of the Missouri court of appeals;

35 (g) Judges and commissioners of the Missouri circuit
36 courts, including of the divisions of a circuit court; and

37 (h) Prosecuting or circuit attorney, or assistant
38 prosecuting or circuit attorney;

39 (5) "Personal information", a home address, home
40 telephone number, mobile telephone number, pager number,
41 personal email address, Social Security number, federal tax
42 identification number, checking and savings account numbers,
43 credit card numbers, marital status, and identity of
44 children under eighteen years of age;

45 (6) "Publicly available content", any written,
46 printed, or electronic document or record that provides
47 information or that serves as a document or record
48 maintained, controlled, or in the possession of a government

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;

56 (8) "Written request", written or electronic notice
57 signed by:

58 (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 agency shall remove the
8 judicial officer's personal information from publicly
9 available content within five business days. After the
10 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 consent from the judicial officer to make the
17 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
20 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
11 officer in violation of section 575.095 or with the intent
12 to pose an imminent and serious threat to the health and
13 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 476.1300 to 476.1312 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 476.1312 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
13 or the clerk's designee to notify government agencies and
14 such notice is properly delivered by mail or electronic
15 format.

16 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 agency for the purposes of sections 476.1300
27 to 476.1312.

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 permission to release
49 the personal information. A judicial officer's written
50 request expires on such judicial officer's death.

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
4 number, telephone number, or any other personally
5 identifiable information of any person on the internet
6 intending to cause great bodily harm or death, or
7 threatening to cause great bodily harm or death to such
8 person.

9 2. The offense of unlawful posting of certain
10 information over the internet is a class C misdemeanor,
11 unless the person knowingly posts on the internet the name,
12 home address, Social Security number, telephone number, or
13 any other personally identifiable information of any law
14 enforcement officer, corrections officer, parole officer,
15 judge, commissioner, or prosecuting attorney, or of any
16 immediate family member of such law enforcement officer,
17 corrections officer, parole officer, judge, commissioner, or
18 prosecuting attorney, intending to cause great bodily harm
19 or death, or threatening to cause great bodily harm or
20 death, in which case it is a class E felony, **and if such**

21 intention or threat results in bodily harm or death to such
22 person or immediate family member, the offense of unlawful
23 posting of certain information over the internet is a class
24 D felony.

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