

HOUSE AMENDMENT NO. ____
TO
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Offered By

1 AMEND House Amendment No. ____ to House Committee Substitute for House Bill No. 335 Page
2 1, Line 22, by inserting after all of said line, the following:

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5 "Further amend said bill , page, and section, Line 9, by inserting after all of said section and line, the
6 following:

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8 "610.205. 1. After an investigation is inactive, as defined in section 610.100, crime scene or
9 death scene photographs and video recordings, including photographs and video recordings created
10 or produced by a state or local agency or by a perpetrator or suspect at a crime scene, which depict or
11 describe a deceased person in a state of dismemberment, decapitation, or similar mutilation
12 including, without limitation, where the deceased person's genitalia are exposed, shall be considered
13 open records for inspection, but closed records for purposes of copying under the provisions of this
14 chapter. Unless dissemination is prohibited by 18 U.S.C. Section 2252, this section shall not prohibit
15 disclosure of such material to:

16 (1) State and local law enforcement agencies, prosecuting attorneys, juvenile officers, courts
17 and court personnel, coroners, the state technical assistance team, child fatality review panels, the
18 department of social services, or other state or local officials who need access to the photograph and
19 video recordings in order to perform their duties; and

20 (2) The deceased's next of kin or to an individual who has secured a written release from the
21 next of kin. It shall be the responsibility of the next of kin to show proof of the familial relationship.
22 For purposes of such access, the deceased's next of kin shall:

23 (a) Be the spouse of the deceased if living;

24 (b) Be an adult child of the deceased if there is no living spouse of the deceased; or

25 (c) Be a parent of the deceased if there is no living spouse or adult child; and

26 (d) Not have pleaded guilty to or been found guilty of a crime that resulted in the deceased's
27 death.

28 2. Subject to the provisions of subsection 3 of this section, in the case of closed criminal
29 investigations a circuit court judge may order the disclosure of such photographs or video
30 recordings, not otherwise prohibited by 18 U.S.C. Section 2252, upon findings in writing that

Action Taken _____ Date _____

1 disclosure is in the public interest and outweighs any privacy interest that may be asserted by the
2 deceased person's next of kin. In making such determination, the court shall consider whether such
3 disclosure is necessary for public evaluation of governmental performance, the seriousness of the
4 intrusion into the family's right to privacy, and whether such disclosure is the least intrusive means
5 available considering the availability of similar information in other public records. In any such
6 action, the court shall review the photographs or video recordings in question in camera with the
7 custodian of the crime scene materials present and may condition any disclosure on such condition as
8 the court may deem necessary to accommodate the interests of the parties.

9 3. Prior to releasing any crime scene material described in subsection 1 of this section, the
10 custodian of such material shall give the deceased person's next of kin at least two weeks' notice. No
11 court shall order a disclosure under subsection 2 of this section which would disregard or shorten the
12 duration of such notice requirement. No court order or notification to the next of kin shall be
13 required for the release or disclosure of information to state and local law enforcement agencies,
14 prosecuting attorneys, juvenile officers, courts and court personnel, coroners, the state technical
15 assistance team, child fatality review panels, the department of social services, or other state or local
16 officials who need access to the photograph and video recordings in order to perform their duties.

17 4. The provisions of this section shall apply to all undisclosed material which is in the
18 custody of a state or local agency on the effective date of this section and to any such material which
19 comes into the custody of a state or local agency after such date.

20 5. The provisions of this section shall not apply to disclosure of crime scene material to
21 counsel representing a defendant. Unless otherwise prohibited by 18 U.S.C. Section 2252, counsel
22 may disclose such materials to his or her client and any expert or investigator assisting counsel but
23 shall not otherwise disseminate such materials, except to the extent they may be necessary exhibits in
24 court proceedings. A request under this subsection shall clearly state that such request is being made
25 for the purpose of preparing to file and litigate proceedings enumerated in this subsection."; and";
26 and

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28 Further amend said bill by amending the title, enacting clause, and intersectional references
29 accordingly.