

SECOND REGULAR SESSION

HOUSE BILL NO. 2196

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHNELTING.

4680H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 59 and 67, RSMo, by adding thereto two new sections relating to residential address confidentiality on county documents.

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

Section A. Chapters 59 and 67, RSMo, are amended by adding thereto two new sections, to be known as sections 59.670 and 67.5135, to read as follows:

59.670. 1. The provisions of this section shall be known and may be cited as the "Missouri Shield Act".

2. For purposes of this section, the following terms mean:

(1) "Eligible documents", documents or instruments that are maintained by and located in the office of the county recorder that are accessed electronically;

(2) "Eligible person", any current or former law enforcement officer or judge;

(3) "Indexes", indexes maintained by and located in the office of the county recorder that are accessed electronically;

(4) "Judge", any municipal, associate, circuit, or appellate judge;

(5) "Law enforcement officer", any commissioned peace officer with the power to arrest for a violation of the criminal code who is employed by any unit of the state or any county, charter county, city, charter city, municipality, district, college, university, or any other political subdivision or is employed by the board of police commissioners as defined in chapter 84;

(6) "Shielded", a prohibition against the general public's electronic access to eligible documents and access to the unique identifier and recording data contained in indexes for eligible documents.

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 **3. Notwithstanding any other provision of law, in any county an eligible person**
19 **may request that the general public be prohibited from accessing the unique identifier**
20 **and the recording data contained in indexes of recorded instruments maintained by the**
21 **county recorder and may request the county recorder to prohibit access to that person's**
22 **residential address and telephone number contained in instruments or writings**
23 **recorded by the county recorder.**

24 **4. An eligible person may request this action by filing an affidavit that states the**
25 **following on an application form developed by the office of the state courts**
26 **administrator in agreement with an association of counties, an organization of peace**
27 **officers, and the motor vehicle and driver licensing division of the department of**
28 **revenue:**

29 **(1) The person's full legal name and residential address;**
30 **(2) The full legal description and parcel number of the person's property;**
31 **(3) The document locator number and recording date of each eligible document**
32 **for which the person requests access restriction under this section;**

33 **(4) A copy of pages from each eligible document for which the person requests**
34 **record shielding that includes the document locator number and the person's**
35 **identifying information, including the person's full legal name and residential address.**

36 **5. If an eligible person is also requesting that the general public be prohibited**
37 **from accessing records maintained by the county clerk, collector, assessor, treasurer, or**
38 **auditor under section 67.5135, the eligible person may combine the request with the**
39 **request filed under subsection 4 of this section by filing one affidavit. The affidavit and**
40 **subsequent action by the appropriate authorities shall meet the requirements of this**
41 **section and section 67.5135.**

42 **6. An affidavit filed under subsection 4 or 5 of this section shall be filed with the**
43 **presiding judge in the county where the eligible person resides. The presiding judge**
44 **shall review the affidavit to determine whether the action requested shall be granted. If**
45 **the presiding judge concludes that the affidavit meets the requirements of this section**
46 **and that the action requested by the affiant will reduce a danger to the life or safety of**
47 **the affiant or another person, the presiding judge shall issue a court order instructing**
48 **the county recorder to shield the affiant's eligible documents listed on the affidavit. Any**
49 **court order for record shielding shall expire five years from the date of issuance. An**
50 **eligible person may submit an affidavit for a new court order to continue record**
51 **shielding upon expiration of a previous order.**

52 **7. The clerk of the court shall file the court order and send a copy of such order**
53 **and the affidavit to the recorder of deeds in each county listed on the affidavit. Not**
54 **more than ten business days after the date on which the county recorder receives the**

55 court order and affidavit, the county recorder shall shield the eligible documents listed
56 on the affidavit. The county recorder shall not record the court order or the affidavit.

57 8. On motion to the court, the court may temporarily stay or permanently vacate
58 all or part of the court order if the court determines that:

59 (1) An instrument or document has been shielded in error;

60 (2) The original affiant no longer lives at the address listed in the original
61 affidavit;

62 (3) The cause for the original affidavit no longer exists; or

63 (4) Temporary access to the instrument or document is needed.

64 9. The county recorder shall remove shielding for all records under this section
65 on the first Thursday of June in the year after an order expires. The county recorder
66 shall electronically send notice to the email address listed on the affidavit six months
67 before the date the address shielding will terminate.

68 10. In order to include subsequent eligible documents in a court order, the
69 eligible person shall present to the county recorder at the time of recording a certified
70 copy of the court order. The county recorder shall ensure that the eligible document is
71 shielded within ten business days.

72 11. The provisions of this section shall not prohibit access to county recorder
73 records by:

74 (1) Parties to an instrument;

75 (2) A law enforcement officer in performance of official duties when the officer
76 provides a subpoena, court order, or search warrant for the records;

77 (3) A title insurer, title insurance agent, or an escrow agent licensed by the
78 department of commerce and insurance;

79 (4) Licensed attorneys;

80 (5) A person with a notarized release from the party to the instrument or a court
81 order; or

82 (6) County, state, or local government offices with authority to access the records
83 under state or local law, rule, or regulation.

84 12. No county recorder shall be liable for any damages under this section,
85 provided the recorder made a good faith effort to comply with the provisions of this
86 section. No county recorder shall be liable for the release of any eligible document or
87 any data from any eligible document that was released or accessed prior to the
88 document being shielded under this section.

89 13. The provisions of this section shall take effect June 1, 2023.

67.5135. 1. For purposes of this section, the following terms mean:

2 (1) "Eligible documents", documents or instruments that are maintained by and
3 located in the office of the county clerk, collector, assessor, treasurer, or auditor that are
4 accessed electronically;

5 (2) "Eligible person", any current or former law enforcement officer or judge;

6 (3) "Judge", any municipal, associate, circuit, or appellate judge;

7 (4) "Law enforcement officer", any commissioned peace officer with the power
8 to arrest for a violation of the criminal code who is employed by any unit of the state or
9 any county, charter county, city, charter city, municipality, district, college, university,
10 or any other political subdivision or is employed by the board of police commissioners as
11 defined in chapter 84;

12 (5) "Shielded", a prohibition against the general public's electronic access to
13 eligible documents and access to residential address and phone number information
14 contained in indexes for eligible documents.

15 2. Notwithstanding any other provision of law, in any county an eligible person
16 may request that the general public be prohibited from accessing that persons's
17 residential address and telephone number that are contained in instruments, writings,
18 and information maintained by the county clerk under chapter 51, collector under
19 chapter 52, assessor under chapter 53, treasurer under chapter 54, or auditor under
20 chapter 55.

21 3. An eligible person may request this action by filing an affidavit that states the
22 person's full legal name and residential address on an application form developed by the
23 office of the state courts administrator in agreement with an association of counties, an
24 organization of peace officers, and the motor vehicle and driver licensing division of the
25 department of revenue.

26 4. If an eligible person is also requesting that the general public be prohibited
27 from accessing records maintained by the county collector under section 59.670, the
28 eligible person may combine the request with the request filed under subsection 3 of this
29 section by filing one affidavit. The affidavit and subsequent action by the appropriate
30 authorities shall meet the requirements of this section and section 59.670.

31 5. An affidavit filed under subsection 3 or 4 of this section shall be filed with the
32 presiding judge in the county where the eligible person resides. The presiding judge
33 shall review the affidavit to determine whether the action requested shall be granted. If
34 the presiding judge concludes that the affidavit meets the requirements of this section
35 and that the action requested by the affiant will reduce a danger to the life or safety of
36 the affiant or another person, the presiding judge shall issue a court order instructing
37 the county officer to shield the affiant's eligible documents listed on the affidavit. Any
38 court order for record shielding shall expire five years from the date of issuance. An

39 eligible person may submit an affidavit for a new court order to continue record
40 shielding upon expiration of a previous order.

41 6. The clerk of the court shall file the court order and send a copy of such order
42 and the affidavit to the applicable county officer in each county listed on the affidavit.
43 Not more than ten business days after the date on which the county officer receives the
44 court order and affidavit, the county officer shall shield the eligible documents listed on
45 the affidavit.

46 7. On motion to the court, the court may temporarily stay or permanently vacate
47 all or part of the court order if the court determines that:

48 (1) An instrument or document has been shielded in error;

49 (2) The original affiant no longer lives at the address listed in the original
50 affidavit;

51 (3) The cause for the original affidavit no longer exists; or

52 (4) Temporary access to the instrument or document is needed.

53 8. The county officer shall remove shielding for all records under this section on
54 the first Thursday of June in the year after an order expires. The county officer may
55 electronically send notice to the email address listed on the affidavit six months before
56 the date the address shielding will terminate.

57 9. The provisions of this section shall not prohibit access to county records by:

58 (1) Parties to an instrument;

59 (2) A law enforcement officer in performance of official duties when the officer
60 provides a subpoena, court order, or search warrant for the records;

61 (3) Licensed attorneys;

62 (4) A person with a notarized release from the party to the instrument or a court
63 order; or

64 (5) County, state, or local government offices with authority to access the records
65 under state or local law, rule, or regulation.

66 10. No county officer shall be liable for any damages under this section, provided
67 the county officer made a good faith effort to comply with the provisions of this section.
68 No county officer shall be liable for the release of any eligible document or any data
69 from any eligible document that was released or accessed prior to the document being
70 shielded under this section.

71 11. The provisions of this section shall take effect June 1, 2023.

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