

HB 2473 with HCA 1 -- LAW ENFORCEMENT RECORDS

SPONSOR: Montecillo

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Government Oversight and Accountability by a vote of 7 to 0.

This bill prohibits law enforcement from releasing records containing personally identifiable health information, as defined in the bill, unless the information is redacted from the record, the matter is of public concern, or a court orders disclosure.

If a law enforcement agency intentionally discloses such information, the agency expressly waives its sovereign immunity and opens itself up to liability. If the provisions of this bill are violated due to negligence or omission by a law enforcement officer or agency, such officer or agency will be subject to discipline by the agency and the Police Officer Standards and Training Commission.

HCA #1: This amendment modifies the bill to prohibit law enforcement from releasing investigative reports and incident reports involving suicide or attempted suicide or medical records contained in such reports involving instances of rape or sexual assault or other sex offenses. These reports are considered closed records for purposes of Chapter 610, RSMo, but may be released for purposes including law enforcement as authorized by other laws or rules. Reports involving suicide or attempted suicide may be released to protect individuals or the public safety. Exceptions allowing the release of reports to family members and guardians are specified in the bill.

PROPOSERS: Supporters say that the bill will prevent law enforcement agencies from providing information to the media either voluntarily or for profit by citing the open records laws of Missouri. There is no rational basis for releasing traumatic information concerning the victims of sex crimes or suicide and attempted suicide to the general public. Release of such information often causes great emotional and physical harm to vulnerable individuals who are already suffering from the criminal acts of others or from severe cases of depression.

Testifying for the bill were Representative Montecillo; Michele DeSaay; Missouri Kids First; and Brittany Burke.

OPPOSERS: Opponents say that the bill could limit the freedom of the press and prevent the transfer of information between government agencies.

Testifying against the bill was Jean Maneke, Missouri Press Association.