

SECOND REGULAR SESSION

HOUSE BILL NO. 2303

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VEIT.

5017H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 510.035, RSMo, and to enact in lieu thereof one new section relating to the discovery of certain evidence.

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

Section A. Section 510.035, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 510.035, to read as follows:

510.035. 1. Except as provided in subsection 2 of this section, any visual or aural recordings or photographs of a minor who is alleged to be the victim of **or witness to** an offense under chapter **565, 566, 568, or 573** created by or in the possession of a child assessment center, health care provider, or multidisciplinary team member shall not be copied or distributed to any person or entity, unless required by supreme court rule 25.03 or if a court orders such copying or distribution upon a showing of good cause after notice and a hearing and after considering the safety and privacy interests of any victim **or witness**.

2. The following persons or entities may access or share any copies of visual or aural recordings or photographs as described in subsection 1 of this section for the following purposes:

(1) Multidisciplinary team members as part of an investigation, as well as for the provision of protective or preventive social services for minors and their families. For purposes of this section, multidisciplinary team members shall consist of representatives of law enforcement, the children's division, the prosecuting attorney, the child assessment center, the juvenile office, and the health care provider;

(2) Department of social services employees and their legal counsel as part of the provision of child protection as described in section 210.109, as well as for use in

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 administrative proceedings as established by department regulations or through the
19 administrative hearing commission as provided under section 621.075;

20 (3) Department of mental health employees and their legal counsel as part of an
21 investigation conducted under section 630.167, as well as for use in administrative
22 proceedings as established by department regulations or through the administrative hearing
23 commission as provided under section 621.075;

24 (4) The office of child advocate as part of a review under section 37.710;

25 (5) The child abuse and neglect review board as part of a review under sections
26 210.152 and 210.153; and

27 (6) The attorney general as part of a legal proceeding.

28 3. If a court orders the copying or distribution of visual or aural recordings or
29 photographs as described in subsection 1 of this section, the order shall:

30 (1) Be limited solely to the use of the recordings or photographs for the purposes of a
31 pending court proceeding or in preparation for a pending court proceeding;

32 (2) Prohibit further copying, reproduction, or distribution of the recordings or
33 photographs; and

34 (3) Require, upon the final disposition of the case, the return of all copies to the health
35 care provider, child assessment center or multidisciplinary team member that originally had
36 possession of the recordings or photographs, or provide an affidavit to the health care
37 provider, child assessment center, or multidisciplinary team member that originally had
38 possession of the recordings or photographs certifying that all copies have been destroyed.

39 4. Nothing in this section shall prohibit multidisciplinary team members from
40 exercising discretion to grant access to viewing, but not copying, the visual or aural
41 recordings or photographs.

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