

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 362**  
**101ST GENERAL ASSEMBLY**

1254S.03T

2021

---

**AN ACT**

To repeal sections 210.152, 610.021, and 610.026, RSMo, and to enact in lieu thereof six new sections relating to government transparency in public access to records, with a penalty provision.

---

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

Section A. Sections 210.152, 610.021, and 610.026, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 29.420, 37.717, 210.152, 479.162, 610.021, and 610.026, to read as follows:

**29.420. 1. This section shall be known as the "Government Lending Transparency Act".**

**2. As used in this section, the following terms mean:**

**(1) "Administering agency", a department, office, board, commission, bureau, institution, or any other agency of the state charged by statute, regulation, or order with administering a credit support program or lending program;**

**(2) "Credit support program", any state program that guarantees or provides credit enhancements, such as state support for interest or principal payments, to the debt of private parties or municipalities, under which the state would be required to provide moneys if the borrower failed to pay;**

**(3) "Lending program", any state program that offers moneys to private parties or municipalities that come with the expectation of repayment.**

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.

13           **3. Each administering agency shall report annually to the state auditor by August**  
14 **thirtieth the following information:**

15           **(1) The name and statutory authority for each lending program and credit support**  
16 **program administered by the agency;**

17           **(2) For the immediately preceding fiscal year, the total dollar amount of all lending**  
18 **for each lending program administered by the agency and the total amount of debt**  
19 **supported by each credit support program administered by the agency; and**

20           **(3) For the immediately preceding fiscal year, the reasonable estimates of the costs**  
21 **of likely defaults for each lending program and credit support program administered by**  
22 **the agency, using private sector accounting standards to evaluate the likelihood and costs**  
23 **of defaults.**

24           **4. The state auditor shall make an annual report compiling the data received from**  
25 **the administering agencies under this section, and shall submit the report to the general**  
26 **assembly annually by December fifteenth.**

27           **5. Intentional or knowing failure to comply with any reporting requirement**  
28 **contained in this section shall be punishable by a fine of up to two thousand dollars.**

**37.717. 1. The office shall create a safety reporting system in which employees of**  
2 **the children's division may report information regarding the safety of those served by the**  
3 **children's division and the safety of such division's employees.**

4           **2. The identity of any individual who reports to or participates in the reporting**  
5 **system under subsection 1 of this section shall:**

6           **(1) Be sealed from inspection by the public or any other entity or individual who**  
7 **is otherwise provided access to the department of social services' confidential records;**

8           **(2) Not be subject to discovery or introduction into evidence in any civil**  
9 **proceeding; and**

10           **(3) Be disclosed only as necessary to carry out the purpose of the reporting system**  
11 **under subsection 1 of this section.**

12           **3. Any criminal act reported into the reporting system under subsection 1 of this**  
13 **section shall be disclosed by the office of child advocate to the appropriate law enforcement**  
14 **agency or prosecuting or city attorney.**

15           **4. Any investigation conducted as a result of a report made under this section shall**  
16 **be conducted by an unbiased and disinterested investigator.**

**210.152. 1. All information, including telephone reports reported pursuant to section**  
2 **210.145, relating to reports of abuse or neglect received by the division shall be retained by the**  
3 **division or removed from the records of the division as follows:**

4 (1) For investigation reports contained in the central registry, the report and all  
5 information shall be retained by the division;

6 (2) (a) For investigation reports initiated against a person required to report pursuant to  
7 section 210.115, where insufficient evidence of abuse or neglect is found by the division and  
8 where the division determines the allegation of abuse or neglect was made maliciously, for  
9 purposes of harassment, or in retaliation for the filing of a report by a person required to report,  
10 identifying information shall be expunged by the division within forty-five days from the  
11 conclusion of the investigation;

12 (b) For investigation reports, where insufficient evidence of abuse or neglect is found  
13 by the division and where the division determines the allegation of abuse or neglect was made  
14 maliciously, for purposes of harassment, or in retaliation for the filing of a report, identifying  
15 information shall be expunged by the division within forty-five days from the conclusion of the  
16 investigation;

17 (c) For investigation reports initiated by a person required to report under section  
18 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying  
19 information shall be retained for ten years from the conclusion of the investigation. For all other  
20 investigation reports where insufficient evidence of abuse or neglect is found by the division,  
21 identifying information shall be retained for five years from the conclusion of the investigation.  
22 Such reports shall include any exculpatory evidence known by the division, including  
23 exculpatory evidence obtained after the closing of the case. At the end of such time period, the  
24 identifying information shall be removed from the records of the division and destroyed;

25 (d) For investigation reports where the identification of the specific perpetrator or  
26 perpetrators cannot be substantiated and the division has specific evidence to determine that a  
27 child was abused or neglected, the division shall retain the report and all information but shall  
28 not place an unknown perpetrator on the central registry. The division shall retain all  
29 information. The division shall retain and disclose information and findings in the same manner  
30 as the division retains and discloses family assessments. If the division made a finding of abuse  
31 or neglect against an unknown perpetrator prior to August 28, 2017, the division shall remove  
32 the unknown perpetrator from the central registry but shall retain and utilize all information as  
33 otherwise provided in this section;

34 (3) For reports where the division uses the family assessment and services approach,  
35 information shall be retained by the division;

36 (4) For reports in which the division is unable to locate the child alleged to have been  
37 abused or neglected, information shall be retained for eighteen years from the date of the report  
38 and then shall be removed from the records by the division.

39           2. Within ninety days, or within one hundred twenty days in cases involving sexual  
40 abuse, or until the division's investigation is complete in cases involving a child fatality or near-  
41 fatality, after receipt of a report of abuse or neglect that is investigated, the alleged perpetrator  
42 named in the report and the parents of the child named in the report, if the alleged perpetrator is  
43 not a parent, shall be notified in writing of any determination made by the division based on the  
44 investigation. The notice shall advise either:

45           (1) That the division has determined by a probable cause finding prior to August 28,  
46 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists  
47 and that the division shall retain all information regarding the abuse or neglect; that such  
48 information shall remain confidential and will not be released except to law enforcement  
49 agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged  
50 perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's  
51 determination through a review by the child abuse and neglect review board as provided in  
52 subsection 4 of this section;

53           (2) That the division has not made a probable cause finding or determined by a  
54 preponderance of the evidence that abuse or neglect exists; or

55           (3) The division has been unable to determine the identity of the perpetrator of the abuse  
56 or neglect. The notice shall also inform the child's parents and legal guardian that the division  
57 shall retain, utilize, and disclose all information and findings as provided in family assessment  
58 and services cases.

59           3. The children's division may reopen a case for review if new, specific, and credible  
60 evidence is obtained.

61           4. Any person named in an investigation as a perpetrator who is aggrieved by a  
62 determination of abuse or neglect by the division as provided in this section may seek an  
63 administrative review by the child abuse and neglect review board pursuant to the provisions of  
64 section 210.153. Such request for review shall be made within sixty days of notification of the  
65 division's decision under this section. In those cases where criminal charges arising out of facts  
66 of the investigation are pending, the request for review shall be made within sixty days from the  
67 court's final disposition or dismissal of the charges. **Nothing in this section shall preclude the**  
68 **office of child advocate from releasing findings regarding the professional performance of**  
69 **any individual member of the multidisciplinary team as described in section 660.520.**

70           5. In any such action for administrative review, the child abuse and neglect review board  
71 shall sustain the division's determination if such determination was supported by evidence of  
72 probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after  
73 August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect

74 review board hearing shall be closed to all persons except the parties, their attorneys and those  
75 persons providing testimony on behalf of the parties.

76 6. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect  
77 review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the  
78 county in which the alleged perpetrator resides and in circuits with split venue, in the venue in  
79 which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a  
80 resident of the state, proper venue shall be in Cole County. The case may be assigned to the  
81 family court division where such a division has been established. The request for a judicial  
82 review shall be made within sixty days of notification of the decision of the child abuse and  
83 neglect review board decision. In reviewing such decisions, the circuit court shall provide the  
84 alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may  
85 subpoena any witnesses except the alleged victim or the reporter. However, the circuit court  
86 shall have the discretion to allow the parties to submit the case upon a stipulated record.

87 7. In any such action for administrative review, the child abuse and neglect review board  
88 shall notify the child or the parent, guardian or legal representative of the child that a review has  
89 been requested.

**479.162. Notwithstanding any provision of law, supreme court rule, or court  
2 operating rule, in a proceeding for a municipal ordinance violation or any other proceeding  
3 before a municipal court if the charge carries the possibility of fifteen days or more in jail  
4 or confinement, a defendant shall not be charged any fee for obtaining a police report, a  
5 probable cause statement, or any video relevant to the traffic stop or arrest. Such police  
6 report, probable cause statement, or video shall be provided by the prosecutor upon  
7 written request by the defendant for discovery.**

610.021. Except to the extent disclosure is otherwise required by law, a public  
2 governmental body is authorized to close meetings, records and votes, to the extent they relate  
3 to the following:

4 (1) Legal actions, causes of action or litigation involving a public governmental body  
5 and any confidential or privileged communications between a public governmental body or its  
6 representatives and its attorneys. However, any minutes, vote or settlement agreement relating  
7 to legal actions, causes of action or litigation involving a public governmental body or any agent  
8 or entity representing its interests or acting on its behalf or with its authority, including any  
9 insurance company acting on behalf of a public government body as its insured, shall be made  
10 public upon final disposition of the matter voted upon or upon the signing by the parties of the  
11 settlement agreement, unless, prior to final disposition, the settlement agreement is ordered  
12 closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the  
13 action clearly outweighs the public policy considerations of section 610.011, however, the

14 amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed;  
15 provided, however, in matters involving the exercise of the power of eminent domain, the vote  
16 shall be announced or become public immediately following the action on the motion to  
17 authorize institution of such a legal action. Legal work product shall be considered a closed  
18 record;

19 (2) Leasing, purchase or sale of real estate by a public governmental body where public  
20 knowledge of the transaction might adversely affect the legal consideration therefor. However,  
21 any minutes, vote or public record approving a contract relating to the leasing, purchase or sale  
22 of real estate by a public governmental body shall be made public upon execution of the lease,  
23 purchase or sale of the real estate;

24 (3) Hiring, firing, disciplining or promoting of particular employees by a public  
25 governmental body when personal information about the employee is discussed or recorded.  
26 However, any vote on a final decision, when taken by a public governmental body, to hire, fire,  
27 promote or discipline an employee of a public governmental body shall be made available with  
28 a record of how each member voted to the public within seventy-two hours of the close of the  
29 meeting where such action occurs; provided, however, that any employee so affected shall be  
30 entitled to prompt notice of such decision during the seventy-two-hour period before such  
31 decision is made available to the public. As used in this subdivision, the term "personal  
32 information" means information relating to the performance or merit of individual employees;

33 (4) The state militia or national guard or any part thereof;

34 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,  
35 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or  
36 treatment;

37 (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including  
38 records of individual test or examination scores; however, personally identifiable student records  
39 maintained by public educational institutions shall be open for inspection by the parents,  
40 guardian or other custodian of students under the age of eighteen years and by the parents,  
41 guardian or other custodian and the student if the student is over the age of eighteen years;

42 (7) Testing and examination materials, before the test or examination is given or, if it  
43 is to be given again, before so given again;

44 (8) Welfare cases of identifiable individuals;

45 (9) Preparation, including any discussions or work product, on behalf of a public  
46 governmental body or its representatives for negotiations with employee groups;

47 (10) Software codes for electronic data processing and documentation thereof;

48 (11) Specifications for competitive bidding, until either the specifications are officially  
49 approved by the public governmental body or the specifications are published for bid;

50 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals  
51 and related documents or any documents related to a negotiated contract until a contract is  
52 executed, or all proposals are rejected;

53 (13) Individually identifiable personnel records, performance ratings or records  
54 pertaining to employees or applicants for employment, except that this exemption shall not apply  
55 to the names, positions, salaries and lengths of service of officers and employees of public  
56 agencies once they are employed as such, and the names of private sources donating or  
57 contributing money to the salary of a chancellor or president at all public colleges and  
58 universities in the state of Missouri and the amount of money contributed by the source;

59 (14) Records which are protected from disclosure by law;

60 (15) Meetings and public records relating to scientific and technological innovations in  
61 which the owner has a proprietary interest;

62 (16) Records relating to municipal hotlines established for the reporting of abuse and  
63 wrongdoing;

64 (17) Confidential or privileged communications between a public governmental body  
65 and its auditor, including all auditor work product; however, all final audit reports issued by the  
66 auditor are to be considered open records pursuant to this chapter;

67 (18) Operational guidelines, policies and specific response plans developed, adopted, or  
68 maintained by any public agency responsible for law enforcement, public safety, first response,  
69 or public health for use in responding to or preventing any critical incident which is or appears  
70 to be terrorist in nature and which has the potential to endanger individual or public safety or  
71 health. Financial records related to the procurement of or expenditures relating to operational  
72 guidelines, policies or plans purchased with public funds shall be open. When seeking to close  
73 information pursuant to this exception, the public governmental body shall affirmatively state  
74 in writing that disclosure would impair the public governmental body's ability to protect the  
75 security or safety of persons or real property, and shall in the same writing state that the public  
76 interest in nondisclosure outweighs the public interest in disclosure of the records;

77 (19) Existing or proposed security systems **or procedures** and structural plans of real  
78 property owned or leased by a public governmental body **including, but not limited to,**  
79 **evacuation and lockdown procedures for the buildings on such real property,** and  
80 information that is voluntarily submitted by a nonpublic entity owning or operating an  
81 infrastructure to any public governmental body for use by that body to devise plans for protection  
82 of that infrastructure **including, but not limited to, software or surveillance companies that**  
83 **secure access to such buildings,** the public disclosure of which would threaten public safety:

84 (a) Records related to the procurement of or expenditures relating to security systems  
85 purchased with public funds shall be open;

86 (b) When seeking to close information pursuant to this exception, the public  
87 governmental body shall affirmatively state in writing that disclosure would impair the public  
88 governmental body's ability to protect the security or safety of persons or real property, and shall  
89 in the same writing state that the public interest in nondisclosure outweighs the public interest  
90 in disclosure of the records;

91 (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the  
92 receiving agency within ninety days of submission to determine if retention of the document is  
93 necessary in furtherance of a state security interest. If retention is not necessary, the documents  
94 shall be returned to the nonpublic governmental body or destroyed;

95 (20) The portion of a record that identifies security systems or access codes or  
96 authorization codes for security systems of real property;

97 (21) Records that identify the configuration of components or the operation of a  
98 computer, computer system, computer network, or telecommunications network, and would  
99 allow unauthorized access to or unlawful disruption of a computer, computer system, computer  
100 network, or telecommunications network of a public governmental body. This exception shall  
101 not be used to limit or deny access to otherwise public records in a file, document, data file or  
102 database containing public records. Records related to the procurement of or expenditures  
103 relating to such computer, computer system, computer network, or telecommunications network,  
104 including the amount of moneys paid by, or on behalf of, a public governmental body for such  
105 computer, computer system, computer network, or telecommunications network shall be open;

106 (22) Credit card numbers, personal identification numbers, digital certificates, physical  
107 and virtual keys, access codes or authorization codes that are used to protect the security of  
108 electronic transactions between a public governmental body and a person or entity doing business  
109 with a public governmental body. Nothing in this section shall be deemed to close the record  
110 of a person or entity using a credit card held in the name of a public governmental body or any  
111 record of a transaction made by a person using a credit card or other method of payment for  
112 which reimbursement is made by a public governmental body;

113 (23) Records submitted by an individual, corporation, or other business entity to a public  
114 institution of higher education in connection with a proposal to license intellectual property or  
115 perform sponsored research and which contains sales projections or other business plan  
116 information the disclosure of which may endanger the competitiveness of a business; ~~and~~

117 (24) Records relating to foster home or kinship placements of children in foster care  
118 under section 210.498;

119 **(25) Email addresses and telephone numbers submitted to a public governmental**  
120 **body by individuals or entities for the sole purpose of receiving electronic or other**



121 **communications limited to newsletters, notifications, advisories, alerts, and periodic**  
122 **reports; and**

123 **(26) Individually identifiable customer usage and billing records for customers of**  
124 **a municipally owned utility unless the records are requested by the customer or authorized**  
125 **for release by the customer, except that a municipally owned utility shall make available**  
126 **to the public the customer's name, billing address, location of service, and dates of service**  
127 **provided for any commercial service account.**

610.026. 1. Except as otherwise provided by law, each public governmental body shall  
2 provide access to and, upon request, furnish copies of public records subject to the following:

3 (1) Fees for copying public records, except those records restricted under section 32.091,  
4 shall not exceed ten cents per page for a paper copy not larger than nine by fourteen inches, with  
5 the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff  
6 of the public governmental body. Research time required for fulfilling records requests may be  
7 charged at the actual cost of research time. Based on the scope of the request, the public  
8 governmental body shall produce the copies using employees of the body that result in the lowest  
9 amount of charges for search, research, and duplication time. Prior to producing copies of the  
10 requested records, the person requesting the records may request the public governmental body  
11 to provide an estimate of the cost to the person requesting the records. Documents may be  
12 furnished without charge or at a reduced charge when the public governmental body determines  
13 that waiver or reduction of the fee is in the public interest because it is likely to contribute  
14 significantly to public understanding of the operations or activities of the public governmental  
15 body and is not primarily in the commercial interest of the requester;

16 (2) Fees for providing access to public records maintained on computer facilities,  
17 recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or  
18 similar audio or visual items or devices, and for paper copies larger than nine by fourteen inches  
19 shall include only the cost of copies, staff time, which shall not exceed the average hourly rate  
20 of pay for staff of the public governmental body required for making copies and programming,  
21 if necessary, and the cost of the disk, tape, or other medium used for the duplication. Fees for  
22 maps, blueprints, or plats that require special expertise to duplicate may include the actual rate  
23 of compensation for the trained personnel required to duplicate such maps, blueprints, or plats.  
24 If programming is required beyond the customary and usual level to comply with a request for  
25 records or information, the fees for compliance may include the actual costs of such  
26 programming.

27 2. Payment of such copying fees may be requested prior to the making of copies. **A**  
28 **request for public records to a public governmental body shall be considered withdrawn**  
29 **if the requester fails to remit all fees within thirty days of a request for payment of the fees**

30 by the public governmental body, prior to the making of copies. If the same or a  
31 substantially similar request for public records is made within six months after the  
32 expiration of the thirty day period, then the public governmental body may request  
33 payment of the same fees made for the original request that has expired in addition to any  
34 allowable fees necessary to fulfill the subsequent request.

35 3. Except as otherwise provided by law, each public governmental body of the state shall  
36 remit all moneys received by or for it from fees charged pursuant to this section to the director  
37 of revenue for deposit to the general revenue fund of the state.

38 4. Except as otherwise provided by law, each public governmental body of a political  
39 subdivision of the state shall remit all moneys received by it or for it from fees charged pursuant  
40 to sections 610.010 to 610.028 to the appropriate fiscal officer of such political subdivision for  
41 deposit to the governmental body's accounts.

42 5. The term "tax, license or fees" as used in Section 22 of Article X of the Constitution  
43 of the State of Missouri does not include copying charges and related fees that do not exceed the  
44 level necessary to pay or to continue to pay the costs for providing a service, program, or activity  
45 which was in existence on November 4, 1980, or which was approved by a vote of the people  
46 subsequent to November 4, 1980.

✓