

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 2473, Page 5, Section 610.150, Line 17, by inserting after all of said line  
2 the following:

3  
4 "610.205. 1. Crime scene photographs and video recordings, including photographs and  
5 video recordings created or produced by a state or local agency or by a perpetrator or suspect at a  
6 crime scene, which depict or describe a deceased person in a state of dismemberment, decapitation,  
7 or similar mutilation including, without limitation, where the deceased person's genitalia are  
8 exposed, shall be considered closed records and shall not be subject to disclosure under the  
9 provisions of this chapter; provided, however, that this section shall not prohibit disclosure of such  
10 material to the deceased's next of kin or to an individual who has secured a written release from the  
11 next of kin. It shall be the responsibility of the next of kin to show proof of the familial  
12 relationship. For purposes of such access, the deceased's next of kin shall be:

13 (1) The spouse of the deceased if living;

14 (2) If there is no living spouse of the deceased, an adult child of the deceased; or

15 (3) If there is no living spouse or adult child, a parent of the deceased.

16 2. Subject to the provisions of subsection 3 of this section, in the case of closed criminal  
17 investigations a circuit court judge may order the disclosure of such photographs or video  
18 recordings upon findings in writing that disclosure is in the public interest and outweighs any  
19 privacy interest that may be asserted by the deceased person's next of kin. In making such  
20 determination, the court shall consider whether such disclosure is necessary for public evaluation of  
21 governmental performance, the seriousness of the intrusion into the family's right to privacy, and  
22 whether such disclosure is the least intrusive means available considering the availability of similar  
23 information in other public records. In any such action, the court shall review the photographs or  
24 video recordings in question in camera with the custodian of the crime scene materials present and  
25 may condition any disclosure on such condition as the court may deem necessary to accommodate  
26 the interests of the parties.

27 3. Prior to releasing any crime scene material described in subsection 1 of this section, the  
28 custodian of such material shall give the deceased person's next of kin at least two weeks' notice.  
29 No court shall order a disclosure under subsection 2 of this section which would disregard or  
30 shorten the duration of such notice requirement.

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

34 5. The provisions of this section shall not apply to disclosure of crime scene material to  
35 counsel representing a convicted defendant in a habeas corpus action, on a motion for new trial, or  
36 in a federal habeas corpus action under 28 U.S.C. Section 2254 or 2255 for the purpose of preparing

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1 to file or litigating such proceedings. Counsel may disclose such materials to his or her client and  
2 any expert or investigator assisting counsel but shall not otherwise disseminate such materials,  
3 except to the extent they may be necessary exhibits in court proceedings. A request under this  
4 subsection shall clearly state that such request is being made for the purpose of preparing to file and  
5 litigate proceedings enumerated in this subsection.

6 6. The director of the department of public safety shall promulgate rules and regulations  
7 governing the viewing of materials described in subsection 1 of this section by bona fide  
8 credentialed members of the press."; and

9  
10 Further amend said bill by amending the title, enacting clause, and intersectional references  
11 accordingly.