

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

Offered By

1 AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 838, Page 1, In the  
2 Title, Line 3, by deleting the words "the transfer of wireless telephone numbers" and inserting in  
3 lieu thereof the words "victims of crimes"; and

4  
5 Further amend said bill, Page 6, Section 455.523, Line 40, by inserting after all of said section and  
6 line the following:

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8 "610.205. 1. Crime scene photographs and video recordings, including photographs and  
9 video recordings created or produced by a state or local agency or by a perpetrator or suspect at a  
10 crime scene, that depict or describe a deceased person in a state of dismemberment, decapitation, or  
11 similar mutilation including, without limitation, where the deceased person's genitalia are exposed,  
12 may be designated closed by a law enforcement agency, provided, however, that this section shall  
13 not prohibit disclosure of such material to the deceased's next of kin or to an individual who has  
14 secured a written release from the next of kin. It shall be the responsibility of the next of kin to  
15 show proof of the familial relationship. For purposes of such access, the deceased's next of kin shall  
16 be:

- 17 (1) The spouse of the deceased if living;
- 18 (2) If there is no living spouse of the deceased, an adult child of the deceased; or
- 19 (3) If there is no living spouse or adult child, a parent of the deceased.

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

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

34 4. The provisions of this section shall apply to all undisclosed material as described in  
35 subsection 1 of this section which is in the custody of a state or local agency on the effective date of  
36 this section and to any such material which comes into the custody of a state or local agency after

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1 such date.

2 5. The provisions of this section shall not apply to disclosure of crime scene material to  
3 counsel representing a convicted defendant in a habeas corpus action, on a motion for new trial, or  
4 in a federal habeas corpus action under 28 U.S.C. Section 2254 or 2255 for the purpose of preparing  
5 to file or litigating such proceedings. Counsel may disclose such materials to his or her client and  
6 any expert or investigator assisting counsel but shall not otherwise disseminate such materials,  
7 except to the extent they may be necessary exhibits in court proceedings. A request under this  
8 subsection shall clearly state that such request is being made for the purpose of preparing to file and  
9 litigate proceedings enumerated in this subsection.

10 6. The director of the department of public safety shall promulgate rules and regulations  
11 governing the viewing of materials described in subsection 1 of this section."; and

12  
13 Further amend said bill by amending the title, enacting clause, and intersectional references  
14 accordingly.  
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