



THE MISSOURI BAR

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DATE: February 23, 2009
TO: Representative Timothy Jones
FROM: House Bill 482
RE: The Missouri Bar

Recently, The Missouri Bar Executive Committee met to review legislation. The Executive Committee consists of the officers of the bar and three additional members annually elected by the Board of Governors. The members of this year's committee are Thomas M. Burke, President; H.A. "Skip" Walther, President-Elect; John S. Johnston, Vice-President; Charlie J. Harris, Jr., Immediate Past-President; Carol Chazen Friedman; Patrick B. Starke; and Deanna K. Scott. The committee has authority to act on behalf of the Board of Governors during the legislative session. In reviewing legislation, the Executive Committee considers comments received from various Missouri Bar legislative review subcommittees. All positions taken by the Executive Committee are communicated to the full Board as soon as possible after they are taken.

House Bill 482 would allow municipal courts to use fees currently collected in certain municipal court cases to pay reasonable fees approved by the court for the appointment of counsel to represent indigent defendants who are unable to pay for legal representation. The bill further provides that no more than \$5,000 may be retained in a fund to be created for this purpose.

The Missouri Bar Executive Committee voted to support this legislation. Following are some of the comments received from bar members regarding House Bill 482:

- "As the public defender caseload increases and the public defender system continues to use its rulemaking authority and legislative influence to enact limits on the type and number of cases it takes, an appointed counsel fund may become necessary."
(name undisclosed)
- "The Public Defender system is stretched to the breaking point and it is the State's legal and moral responsibility to fund it adequately. Missouri has failed abysmally in this regard. Appointed counsel can only be a very small band-aid on a very large wound, but appointed counsel should be adequately compensated. \$5000 a quarter would not even amount to a drop in the bucket of need." Charlie Rogers
- "Neither of these obligations should be paid out of court costs. Moreover, there is a substantial possibility of abuse with respect to which attorneys are reimbursed and in what amounts." (name undisclosed)
- "The public defender system is experiencing a caseload crisis. This may help reduce the number of cases assigned to each public defender." Michelle Burriel

Thank you for considering this input from The Missouri Bar.

FIRST REGULAR SESSION

HOUSE BILL NO. 177

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COX.

0599L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 566.226, RSMo, and to enact in lieu thereof one new section relating to court records for sexual offenses.

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

Section A. Section 566.226, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 566.226, to read as follows:

566.226. 1. After August 28, 2007, any information contained in any court record, whether written or published on the Internet, that could be used to identify or locate any victim of sexual assault, domestic assault, stalking, or forcible rape shall be closed and redacted from such record prior to disclosure to the public. Identifying information shall include the name, home or temporary address, telephone number, Social Security number or physical characteristics.

2. If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such victim.

3. Nothing in this section shall be construed to permit or be the basis of permitting the identifying information of a perpetrator of a sexual assault, domestic assault, stalking, or forcible rape to be redacted from an otherwise public record.

SECOND REGULAR SESSION

HOUSE BILL NO. 1898

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROBB (Sponsor), NANCE, FLOOK,
CORCORAN AND HUGHES (Co-sponsors).

Read 1st time January 29, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4298L.011

AN ACT

To repeal section 566.226, RSMo, and to enact in lieu thereof one new section relating to identifying information in certain court records.

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

Section A. Section 566.226, RSMo, is repealed and one new section enacted in lieu
2 thereof, to be known as section 566.226, to read as follows:

566.226. 1. After August 28, 2007, any information contained in any court record,
2 whether written or [published on the Internet] **in electronic format**, that could be used to
3 identify or locate any victim of sexual assault, domestic assault, stalking, or [forcible rape] **any**
4 **violation of this chapter or chapter 568, RSMo**, shall be [closed and] redacted from such
5 record prior to disclosure to the public. **After written request for information contained in**
6 **the court record, the court shall order the information to be redacted.** Identifying
7 information **of the victim** shall include the name, home or temporary address, telephone number,
8 Social Security number or physical characteristics **of any victim, but not the named party in**
9 **civil litigation.**

10 2. If the court determines that a person or entity who is requesting identifying
11 information of a victim has a legitimate interest in obtaining such information, the court may
12 allow access to the information, but only if the court determines that disclosure to the person or
13 entity would not compromise the welfare or safety of such victim.

14 3. **The Missouri supreme court shall approve procedural rules to implement this**
15 **policy.**

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.