

SECOND REGULAR SESSION

HOUSE BILL NO. 1824

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BOUCHER, MONACO AND RELFORD (Co-sponsors).

Read 1st time February 6, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4559L.011

AN ACT

To repeal sections 549.500 and 559.125, RSMo, and to enact in lieu thereof two new sections relating to the release of probation documents.

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

Section A. Sections 549.500 and 559.125, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 549.500 and 559.125, to read as follows:

549.500. **1.** All documents prepared or obtained in the discharge of official duties by
2 any member or employee of the board of probation and parole shall be privileged and shall not
3 be disclosed directly or indirectly to anyone other than members of the board and other
4 authorized employees of the department pursuant to section 217.075, RSMo. The board may at
5 its discretion permit the inspection of the report or parts thereof by the offender or [his] **the**
6 **offender's** attorney or other persons having a proper interest therein.

7 **2.** Upon written request the board of probation and parole or the department of
8 corrections or the board of probation and parole and the department of corrections shall
9 provide copies of relevant department documents pertaining to offender medical or mental
10 health care or treatment and sex offender program, sex offender assessment unit and
11 offense summaries related to sex offenders, including copies of pre or post sentence
12 investigations, to subsequent treating, licensed professionals. Prior to release of the
13 information the subsequent treating, licensed professional shall provide the board of
14 probation and parole or the department of corrections or the board of probation and
15 parole and the department of corrections with a current, signed and witnessed waiver for
16 release of the information from the offender. The waiver shall specifically identify the

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 **information to be released.**

18 **3. Department alcohol and substance abuse care and treatment records may only**
19 **be released in compliance with federal law.**

559.125. 1. The clerk of the court shall keep in a permanent file all applications for
2 probation or parole by the court, and shall keep in such manner as may be prescribed by the court
3 complete and full records of all presentence investigations requested, probations or paroles
4 granted, revoked or terminated and all discharges from probations or paroles. All court orders
5 relating to any presentence investigation requested and probation or parole granted [under]
6 **pursuant to** the provisions of this chapter and sections 558.011 and 558.026, RSMo, shall be
7 kept in a like manner, and, if the defendant subject to any such order is subject to an investigation
8 or is under the supervision of the state board of probation and parole, a copy of the order shall
9 be sent to the board. In any county where a parole board ceases to exist, the clerk of the court
10 shall preserve the records of that board.

11 2. Information and data obtained by a probation or parole officer shall be privileged
12 information and shall not be receivable in any court. Such information shall not be disclosed
13 directly or indirectly to anyone other than the members of a parole board and the judge entitled
14 to receive reports, except the court or the board may in its discretion permit the inspection of the
15 report, or parts of such report, by the defendant, or offender or [his] **the offender's** attorney, or
16 other person having a proper interest therein.

17 3. The provisions of subsection 2 of this section notwithstanding, the presentence
18 investigation report shall be made available to the state and all information and data obtained in
19 connection with preparation of the presentence investigation report may be made available to the
20 state at the discretion of the court upon a showing that the receipt of the information and data is
21 in the best interest of the state.

22 **4. Notwithstanding the provisions of subsection 2 of this section to the contrary,**
23 **upon written request the board of probation and parole or the department of corrections**
24 **or the board of probation and parole and the department of corrections shall provide**
25 **copies of relevant department documents pertaining to offender medical or mental health**
26 **care or treatment and sex offender program, sex offender assessment unit and offense**
27 **summaries related to sex offenders, including copies of pre or post sentencing**
28 **investigations, to subsequent treating, licensed professionals. Prior to release of the**
29 **information the subsequent treating, licensed professional shall provide the board of**
30 **probation and parole or the department of corrections or the board of probation and**
31 **parole and the department of corrections with a current, signed and witnessed waiver for**
32 **release of the information from the offender. The waiver shall specifically identify the**
33 **information to be released.**

34 **5. Department alcohol and substance abuse care and treatment records may only**
35 **be released in compliance with federal law.**