

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Bill No. 9, Page 50, Section 589.663, Line 25, by deleting the letter "(c)" and
2 inserting in lieu thereof the letter "c."; and

3
4 Further amend said bill and section, Page 51, Line 39, by inserting immediately after said section and line
5 the following:

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7 "589.664. 1. If an individual is a participant in the Address Confidentiality Program pursuant to
8 section 589.663, no person or entity shall be compelled to disclose the participant's actual address during the
9 discovery phase of or during a proceeding before a court or other tribunal unless the court or tribunal first
10 finds, on the record, that:

11 (1) There is a reasonable belief that the address is needed to obtain information or evidence without
12 which the investigation, prosecution, or litigation cannot proceed; and

13 (2) There is no other practicable way of obtaining the information or evidence.

14 2. The court must first provide the program participant and the secretary of state notice that address
15 disclosure is sought.

16 3. The program participant shall have an opportunity to present evidence regarding the potential
17 harm to the safety of the program participant if the address is disclosed. In determining whether to compel
18 disclosure, the court must consider whether the potential harm to the safety of the participant is outweighed
19 by the interest in disclosure. In a criminal proceeding, the court must order disclosure of a program
20 participant's address if protecting the address would violate a defendant's constitutional right to confront a
21 witness.

22 4. Notwithstanding any other provision in law, no court shall order an individual who has had his or
23 her application accepted by the secretary to disclose his or her actual address or location of his or her
24 residence without giving the secretary proper notice. The secretary shall have the right to intervene in any
25 civil proceeding in which a court is considering a participant to disclose their actual address.

26 5. Disclosure of a participant's actual address under this section shall be limited under the terms of
27 the order to ensure that the disclosure and dissemination of the actual address will be no wider than necessary
28 for the purposes of the investigation, prosecution, or litigation.

29 6. Nothing in this section prevents the court or other tribunal from issuing a protective order to
30 prevent disclosure of information other than the participant's actual address that could reasonably lead to the
31 discovery of the program participant's location.

32 589.675. If the secretary deems it appropriate, the secretary shall may make a program participant's
33 address and mailing address available for inspection or copying [under the following circumstances:

34 —(1)— to a person identified in a court order, upon the secretary's receipt of such court order that
35 complies with section 559.664 [specifically orders the disclosure of a particular program participant's address
36 and mailing address and the reasons stated for the disclosure; or

37 —(2) If the certification has been cancelled because the applicant or program participant violated
38 subdivision (2) of section 589.663]."; and

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

Action Taken _____ Date _____