

SECOND REGULAR SESSION

HOUSE BILL NO. 2363

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROWLAND (29).

5632H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 431, RSMo, by adding thereto one new section relating to settlement agreements.

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

Section A. Chapter 431, RSMo, is amended by adding thereto one new section, to be
2 known as section 431.224, to read as follows:

**431.224. 1. Notwithstanding any other provision of law, a provision within a
2 settlement agreement that prevents the disclosure of factual information related to the
3 action is prohibited in any civil action the factual foundation of which establishes a cause
4 of action for civil damages for any of the following:**

5 **(1) An act that may be prosecuted as a felony sexual offense;**

6 **(2) An act of child sexual abuse;**

7 **(3) An act of sexual exploitation of a minor;**

8 **(4) An act of sexual assault against an elderly or dependent adult;**

9 **(5) A misdemeanor act of sexual misconduct; or**

10 **(6) A misdemeanor act of harassment.**

11 **2. Any person who obtains a claim or final judgment in any civil action the factual
12 foundation of which establishes a cause of action for civil damages under subdivisions (1)
13 to (6) of subsection 1 of this section shall not be offered or required to sign any
14 confidentiality agreement stating that he or she shall not discuss his or her claim or final
15 judgment, or if he or she does discuss such claim or final judgment, he or she shall waive
16 any right to moneys obtained. If a confidentiality agreement is offered to a person in**

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.

17 violation of this section and such agreement is signed, such signed agreement shall be unenforceable.

18 **3. Notwithstanding any other provision of law, in a civil action under subdivisions**
19 **(1) to (6) of subsection 1 of this section, no court shall enter, by stipulation or otherwise,**
20 **an order that restricts the disclosure of information in a manner that conflicts with**
21 **subsection 1 of this section.**

22 **4. The provisions of subsections 1 to 3 of this section shall not preclude an**
23 **agreement preventing the disclosure of any medical information or personal identifying**
24 **information regarding the victim of the offense under subsection 1 of this section or of any**
25 **information revealing the nature of the relationship between the victim and the defendant.**
26 **The provisions of this subsection shall not be construed to limit the right of a crime victim**
27 **to disclose such information.**

28 **5. Except as authorized under subsection 4 of this section, a provision within a**
29 **settlement agreement that prevents the disclosure of factual information related to the**
30 **action described in subsection 1 of this section that is entered into on or after January 1,**
31 **2019, is void as a matter of law and against public policy.**

32 **6. An attorney's failure to comply with the requirements of this section by**
33 **demanding that a provision be included in a settlement agreement that prevents the**
34 **disclosure of factual information related to the action described in subsection 1 of this**
35 **section that is not otherwise authorized by subsection 4 of this section as a condition of**
36 **settlement, or advising a client to sign an agreement that includes such a provision, may**
37 **be grounds for professional discipline, and the office of chief disciplinary counsel shall**
38 **investigate and take appropriate action in any such case brought to its attention.**

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