

SECOND REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1085
97TH GENERAL ASSEMBLY

4042H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 182.815 and 182.817, RSMo, and to enact in lieu thereof two new sections relating to the disclosure of library records.

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

Section A. Sections 182.815 and 182.817, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 182.815 and 182.817, to read as follows:

182.815. As used in this section and section 182.817, the following terms shall mean:

(1) **"Digital resource or material", any E-book, digital periodical, digital thesis, digital dissertation, digital report, application, website, database, or other data available in digital format from a library for display on a computer screen or handheld device;**

(2) **"E-book", any book composed or converted to digital format for display on a computer screen or handheld device;**

(3) "Library", any library established by the state or any political subdivision of the state, or combination thereof, by any community college district, or by any college or university, and any private library open to the public;

~~[(2)]~~ (4) "Library material", any book, **E-book, digital resource or material**, document, film, record, art work, or other library property which a patron may use, borrow or request;

~~[(3)]~~ (5) "Library record", any document, record, or other method of storing information retained, received or generated by a library that identifies a person or persons as having requested, used, or borrowed library material, and all other records identifying the names of library users. The term "library record" does not include nonidentifying material that may be retained for the purpose of studying or evaluating the circulation of library material in general.

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.

182.817. 1. Notwithstanding the provisions of any other law to the contrary, no library
2 [or] , employee or agent of a library, **or third party contracted by a library that receives,**
3 **transmits, maintains, or stores library records** shall [be required to] release or disclose a
4 library record or portion of a library record to any person or persons except:

5 (1) In response to a written request of the person identified in that record, according to
6 procedures and forms giving written consent as determined by the library; or

7 (2) In response to an order issued by a court of competent jurisdiction upon a finding that
8 the disclosure of such record is necessary to protect the public safety or to prosecute a crime.

9 **2. Any person whose privacy is compromised as a result of an alleged violation of**
10 **this section may file a written complaint within one hundred eighty days of the alleged**
11 **violation with the office of the attorney general describing the facts surrounding the alleged**
12 **violation. Such person may additionally bring a private civil action in the circuit court of**
13 **the county in which the library is located to recover damages. The court may, in its**
14 **discretion, award punitive damages and may award to the prevailing party attorney's fees,**
15 **based on the amount of time reasonably expended, and may provide such equitable relief**
16 **as it deems necessary or proper. A prevailing respondent may be awarded attorney fees**
17 **under this subsection only upon a showing that the case is without foundation.**

18 **3. Upon receipt of a complaint filed in accordance with subsection 2 of this section,**
19 **the attorney general shall review each complaint and may initiate legal action if deemed**
20 **appropriate.**

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