

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 1357, Page 1, Section 510.263, Lines 10-15, by deleting all of said lines
2 and inserting in lieu thereof the following:

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4 "liable for punitive damages, [that jury] then, after a final judgment has been entered from the first
5 stage of such trial, the attorney general shall [determine ,] have the sole authority to prosecute in a
6 second stage of trial before another jury, the amount of punitive damages to be awarded against the
7 defendant. In the second stage of the bifurcated trial, the only issue for determination shall be the
8 amount of punitive damages that will serve to punish the defendant for the conduct for which the
9 defendant has been found liable for punitive damages and will serve to deter the defendant and
10 others from like conduct. Evidence of such defendant's net worth shall be admissible during the
11 second state of such trial. In exercising the authority granted in this section, the attorney general shall
12 not hire or utilize outside legal counsel, except in the case of a demonstrated conflict of interest. In
13 such cases, outside legal counsel may be retained only on the basis of a reasonable hourly fee
14 arrangement and may not be retained on the basis of a contingency fee."; and

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16 Further amend said bill and section, page 2, Lines 46-47, by deleting all of said lines and inserting in
17 lieu thereof the following:

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19 "9. Any punitive damages award shall be distributed as established under section 537.675.";
20 and

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22 Further amend said bill, Page 3, Section 537.675, Line 36-37, by deleting all of said lines and
23 inserting in lieu thereof the following:

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25 "compensation fund to the extent of [fifty] eighty-five percent of the punitive damage final
26 judgment, except that the attorney general may petition the court that presided over the trial in which
27 punitive damages were awarded for costs and expenses, which shall be granted from the state's share
28 of the award for punitive damages so long as no less than fifty percent of the punitive damage final
29 judgment is deposited into the tort victims' compensation fund." [which shall attach in any such case
30 after deducting attorney's fees and expenses]. In"; and

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32 Further amend said bill by amending the title, enacting clause, and intersectional references
33 accordingly.
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Action Taken _____ Date _____

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