

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 151, Page 5, Section 302.183, Line 96, by
2 inserting after all of said line the following:

3
4 "9. Any person, department, or department employee authorized to have access to
5 information obtained under this section who unlawfully and knowingly discloses such information
6 in violation of this section or who uses such information in a manner and for a purpose in violation
7 of this section is guilty of a class E felony starting January 1, 2018.

8 10. Neither the sovereign nor the official immunity doctrines shall apply to a person,
9 department, or department employee authorized to have information obtained under this section in
10 instances when such information is disclosed to an unauthorized party. If the department is
11 responsible in whole or in part for such information being negligently disclosed to an unauthorized
12 party, then the person whose information was disclosed shall have a cause of action to recover
13 liquidated damages in the amount of twenty-five thousand dollars in addition to compensatory
14 economic and non-economic damages, attorney fees, and court costs. If it is determined by a court
15 of competent jurisdiction that such disclosure was done intentionally and maliciously, then the
16 person shall be entitled to punitive damages in addition to the damages above. None of the
17 foregoing damages shall be paid out from the state legal expense fund but shall be paid by the
18 person or employee that violated subsection 9."; and

19
20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.

Action Taken _____ Date _____