

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 445, Page 9, Section 105.473, Line 132, by inserting after all of said  
2 section and line the following:

3  
4 "610.025. 1. Any elected or appointed member of a public governmental body or any staff  
5 member or employee of the public governmental body who transmits any message relating to public  
6 business by electronic means shall also concurrently transmit that message to [either the member's  
7 public office computer or] the custodian of records for the public governmental body in the same  
8 format. [The provisions of this section shall only apply to messages sent to two or more members of  
9 that body so that, when counting the sender, a majority of the body's members are copied.] Any  
10 such message received by the custodian [or at the member's office computer] shall be a public  
11 record subject to the exceptions of section 610.021.

12 2. No elected or appointed member of a public governmental body or any staff member or  
13 employee of the public governmental body shall download or use software designed to send  
14 encrypted messages by electronic means that automatically self-destruct on any communication  
15 device purchased with public moneys.

16 3. No elected or appointed member of a public governmental body or any staff member or  
17 employee of the public governmental body shall use software designed to send encrypted messages  
18 by electronic means that automatically self-destruct to conduct public business on any personally  
19 owned electronic device.

20 4. Any individual who knowingly or purposely violates this section shall only be held  
21 individually liable under section 610.027. A staff member or employee of a public governmental  
22 body shall be treated as a member of the public governmental body under section 610.027 only for  
23 purposes of determining the appropriate penalty for violation of this section."; and"; and

24  
25 Further amend said bill by amending the title, enacting clause, and intersectional references  
26 accordingly.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_