

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 919 & 1081
102ND GENERAL ASSEMBLY

1937H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 105.1500, RSMo, and to enact in lieu thereof three new sections relating to privacy protections, with penalty provisions and an emergency clause for a certain section.

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

- Section A. Section 105.1500, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 105.1500, 105.1675, and 565.260, to read as follows:
- 105.1500. 1. This section shall be known and may be cited as "The Personal Privacy Protection Act".
2. As used in this section, the following terms mean:
- (1) "Personal information", any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income ~~tax~~ **taxation** under Section 501(c) of the Internal Revenue Code of 1986, as amended;
- (2) "Public agency", the state and any political subdivision thereof including, but not limited to, any department, agency, office, commission, board, division, or other entity of state government; any county, city, township, village, school district, community college district; or any other local governmental unit, agency, authority, council, board, commission, state or local court, tribunal or other judicial or quasi-judicial body.
3. (1) Notwithstanding any provision of law to the contrary, but subject to the exceptions listed under subsection 4 **and 6** of this section, a public agency shall not:

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.

16 (a) Require any individual to provide the public agency with personal information or
17 otherwise compel the release of personal information;

18 (b) Require any entity exempt from federal income taxation under Section 501(c) of
19 the Internal Revenue Code **of 1986, as amended**, to provide the public agency with personal
20 information or otherwise compel the release of personal information;

21 (c) Release, publicize, or otherwise publicly disclose personal information in
22 possession of a public agency **without the express, written permission of every individual**
23 **who is identifiable from the potential release of such personal information, including**
24 **individuals identifiable as members, supporters, or volunteers of, or donors to, the**
25 **entity exempt from federal income taxation under Section 501(c) of the Internal**
26 **Revenue of 1986, as amended; or**

27 (d) Request or require a current or prospective contractor or grantee with the public
28 agency to provide the public agency with a list of entities exempt from federal income
29 taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, to which it
30 has provided financial or nonfinancial support.

31 (2) All personal information in the possession of a public agency shall be considered
32 a closed record under chapter 610 and court operating rules.

33 4. The provisions of this section shall not preclude any individual or entity from being
34 required to comply with any of the following:

35 (1) Submitting any report or disclosure required by this chapter or chapter 130;

36 (2) Responding to any lawful request or subpoena for personal information from the
37 Missouri ethics commission as a part of an investigation, or publicly disclosing personal
38 information as a result of an enforcement action from the Missouri ethics commission
39 pursuant to its authority in sections 105.955 to 105.966;

40 **(3) Information reported in a personal financial disclosure made under sections**
41 **105.483 to 105.492;**

42 ~~[(3)]~~ (4) Responding to any lawful warrant for personal information issued by a court
43 of competent jurisdiction;

44 ~~[(4)]~~ (5) Responding to any lawful request for discovery of personal information in
45 litigation if:

46 (a) The requestor demonstrates a compelling need for the personal information by
47 clear and convincing evidence; and

48 (b) The requestor obtains a protective order barring disclosure of personal
49 information to any person not named in the litigation;

50 ~~[(5)]~~ (6) Applicable court rules or admitting any personal information as relevant
51 evidence before a court of competent jurisdiction. However, a submission of personal

52 information to a court shall be made in a manner that it is not publicly revealed and no court
53 shall publicly reveal personal information absent a specific finding of good cause; or

54 ~~[(6)]~~ (7) Any report or disclosure required by state law to be filed with the secretary
55 of state, provided that personal information obtained by the secretary of state is otherwise
56 subject to the requirements of paragraph (c) of subdivision (1) of subsection 3 of this section,
57 unless expressly required to be made public by state law.

58 5. (1) A person or entity alleging a violation of this section may bring a civil action
59 for appropriate injunctive relief, damages, or both. Damages awarded under this section may
60 include one of the following, as appropriate:

61 (a) A sum of moneys not less than two thousand five hundred dollars to compensate
62 for injury or loss caused by each violation of this section; or

63 (b) For an intentional violation of this section, a sum of moneys not to exceed three
64 times the sum described in paragraph (a) of this subdivision.

65 (2) A court, in rendering a judgment in an action brought under this section, may
66 award all or a portion of the costs of litigation, including reasonable attorney's fees and
67 witness fees, to the complainant in the action if the court determines that the award is
68 appropriate.

69 (3) A person who knowingly violates this section is guilty of a class B misdemeanor.

70 **6. This section shall not apply to:**

71 **(1) Personal information that a person or an entity exempt from federal income**
72 **taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended,**
73 **submits, is expressly required by state law to submit, or has previously submitted to a**
74 **public agency for the purpose of seeking or obtaining, including acting on behalf of**
75 **another to seek or obtain, a contract, grant, permit, license, benefit, tax credit, incentive,**
76 **status, or any other similar item, including a renewal of the same, provided that**
77 **information that directly identifies an individual as a donor of financial support to an**
78 **entity exempt from federal income taxation under Section 501(c) of the Internal**
79 **Revenue Code of 1986, as amended, shall not be required by a public agency unless**
80 **expressly required by state law;**

81 **(2) A disclosure of personal information among law enforcement agencies**
82 **pursuant to an active investigation;**

83 **(3) A disclosure of personal information voluntarily made as part of public**
84 **comment, public testimony, pleading, or in a public meeting by an entity or the**
85 **representatives of an entity exempt from federal income taxation under Section 501(c) of**
86 **the Internal Revenue Code of 1986, as amended; or**

87 **(4) A disclosure of personal information to a labor union or employee association**
88 **regarding employees in a bargaining unit represented by the union or association.**

105.1675. 1. This section shall be known and may be cited as "The Anti-Surveillance and Foreign Intervention Act".

2. No elected or appointed member or employee of any state entity shall use, operate, or download on a state-owned device any social media application that is owned, in whole or in part, by the Chinese government or any company that shares its user's data with the Chinese Communist Party. This section shall not apply to military or law enforcement agencies when doing so is in keeping with the fulfillment of their duties.

565.260. 1. Except as provided in subsection 2 of this section, a person commits the offense of unlawful tracking of a motor vehicle if the person knowingly installs, conceals, or otherwise places an electronic tracking device in or on a motor vehicle without the consent of all owners of the vehicle for the purpose of monitoring or following an occupant or occupants of the vehicle. As used in this section, "person" does not include the manufacturer of the motor vehicle.

2. It shall not be an offense under this section if the installing, concealing, or placing of an electronic tracking device in or on a motor vehicle is:

(1) By, or at the direction of, a law enforcement officer in furtherance of a criminal investigation and such investigation is carried out in accordance with applicable state and federal law;

(2) By the owner or lessee of such motor vehicle;

(3) By, or at the direction of, a parent or legal guardian who owns or leases the vehicle, and if the device is used solely for the purpose of monitoring the minor child of the parent or legal guardian when the child is an occupant of the vehicle;

(4) By a legally authorized representative of a vulnerable adult for the purpose of tracking a motor vehicle owned or leased by such adult. As used in this subdivision, "vulnerable adult" means any person eighteen years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, or other causes, including age, to the extent the person lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his or her well-being or has one or more limitations that substantially impair the person's ability to independently provide for his or her daily needs or safeguard his or her person, property, or legal interests;

(5) By an owner of fleet vehicles for the purpose of tracking such vehicles;

(6) By an employer for the purpose of tracking a motor vehicle owned by the employer while in use by the employer's employee; or

(7) By a bail bond agent, general bail bond agent, property bail bondsman, or surety bail bond agent, as those terms are defined under section 374.700, in conjunction

30 **with the agent's or bondsman's duties to track a defendant, in which the agent or**
31 **bondsman is acting as a surety and pledging money or property for the defendant's**
32 **appearance in court.**

33 **3. The provisions of this section shall not apply to a tracking system installed by**
34 **the manufacturer of a motor vehicle.**

35 **4. The offense of unlawful tracking of a motor vehicle is a class A misdemeanor.**

Section B. Because immediate action is necessary to protect the ability of nonprofit
2 entities to interact with public agencies and restore transparency to governmental contracts,
3 grant programs, and other similar items, the repeal and reenactment of section 105.1500 of
4 Section A of this act is deemed necessary for the immediate preservation of the public health,
5 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning
6 of the constitution, and the repeal and reenactment of section 105.1500 of Section A of this
7 act shall be in full force and effect upon its passage and approval.

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