

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/House Bill No. 1490, Page 20, Section 161.096, Line 24,

of said page, by inserting after all of said line the following:

"3. Each violation of any provision of any rule promulgated pursuant to this section by an organization or entity other than a state agency, a school board, or an institution shall be punishable by a civil penalty of up to one thousand dollars. A second violation by the same organization or entity involving the education records and privacy of the same student shall be punishable by a civil penalty of up to five thousand dollars. Any subsequent violation by the same organization or entity involving the education records and privacy of the same student shall be punishable by a civil penalty of up to ten thousand dollars. Each violation involving a different individual education record or a different individual student shall be considered a separate violation for purposes of civil penalties.

4. The attorney general shall have the authority to enforce compliance with this section by investigation and subsequent commencement of a civil action, to seek civil penalties for violations of this section, and to seek appropriate injunctive relief, including but not limited to a prohibition on obtaining personally identifiable information for an appropriate time

1 period. In carrying out such investigation and in maintaining
2 such civil action, the attorney general or any deputy or
3 assistant attorney general is authorized to subpoena witnesses,
4 compel their attendance, examine them under oath, and require
5 that any books, records, documents, papers, or electronic records
6 relevant to the inquiry be turned over for inspection,
7 examination, or audit. Subpoenas issued under this subsection
8 may be enforced pursuant to the Missouri rules of civil
9 procedure."