

SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILLS NOS. 919 & 1081  
AN ACT

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

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

Section A. Section 105.1500, RSMo, is repealed and ten new sections enacted in lieu thereof, to be known as sections 105.1500, 105.1675, 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313, 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] subsections 4 and 6 of this section, a public agency shall not:

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

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

(c) Release, publicize, or otherwise publicly disclose personal information in possession of a public agency without the express, written permission of every individual who is identifiable as a financial supporter of an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended; or

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

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

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

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

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

(3) The collection or publication of information contained in a financial interest statement, as provided by law;

(4) Responding to any lawful warrant for personal information issued by a court of competent jurisdiction;

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

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

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

**[(5)]** (6) Applicable court rules or admitting any personal information as relevant evidence before a court of competent jurisdiction. However, a submission of personal information to a court shall be made in a manner that it is not publicly revealed and no court shall publicly reveal personal information absent a specific finding of good cause; or

**[(6)]** (7) Any report or disclosure required by state law to be filed with the secretary of state, provided that personal information obtained by the secretary of state is otherwise subject to the requirements of paragraph (c) of

subdivision (1) of subsection 3 of this section, unless expressly required to be made public by state law.

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

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

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

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

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

6. This section shall not apply to:

(1) Personal information that a person or entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, submits or has previously submitted to a public agency for the purpose of seeking or obtaining, including acting on behalf of another to seek or obtain, a contract, grant, permit, license, benefit, tax credit, incentive, status, or any other similar item, including a renewal of the same, provided that a public agency shall not require an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, to provide information that directly identifies donors of financial

support, but such information may be voluntarily provided to a public agency by the 501(c) entity. If a financial donor is seeking a benefit, tax credit, incentive, or any other similar item from a public agency based upon a donation, confirmation of specific donations by an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, shall be considered personal information voluntarily provided to the public agency by the 501(c) entity;

(2) A disclosure of personal information among law enforcement agencies or public agency investigators pursuant to an active investigation;

(3) A disclosure of personal information voluntarily made as part of public comment, public testimony, pleading, or in a public meeting, or voluntarily provided to a public agency, for the purpose of public outreach, marketing, or education to show appreciation for or in partnership with an entity or the representatives of an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, provided that no public agency shall disclose information that directly identifies an individual as a donor of financial support to a 501(c) entity without the express, written permission of the individual to which the personal information relates; or

(4) A disclosure of personal information to a labor union or employee association 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.

476.1300. 1. Sections 476.1300 to 476.1310 shall be known and may be cited as the "Judicial Privacy Act".

2. As used in sections 476.1300 to 476.1310, the following terms mean:

(1) "Government agency", all agencies, authorities, boards, commissions, departments, institutions, offices, and any other bodies politic and corporate of the state created by the constitution or statute, whether in the executive, judicial, or legislative branch; all units and corporate outgrowths created by executive order of the governor or any constitutional officer, by the supreme court, or by resolution of the general assembly; agencies, authorities, boards, commissions, departments, institutions, offices, and any other bodies politic and corporate of a political subdivision, including school districts; and any public governmental body as that term is defined in section 610.010;

(2) "Home address", a judicial officer's permanent residence and any secondary residences affirmatively identified by the judicial officer, but does not include a judicial officer's work address;

(3) "Immediate family", a judicial officer's spouse, child, adoptive child, foster child, parent, or any unmarried companion of the judicial officer or other familial relative of the judicial officer or the judicial officer's spouse who lives in the same residence;

(4) "Judicial officer", actively employed, formerly employed, or retired:

(a) Justices of the Supreme Court of the United States;

(b) Judges of the United States Court of Appeals;

(c) Judges and magistrate judges of the United States District Courts;

(d) Judges of the United States Bankruptcy Court;

(e) Judges of the Missouri supreme court;

(f) Judges of the Missouri court of appeals;

(g) Judges and commissioners of the Missouri circuit courts, including of the divisions of a circuit court; and

(h) Prosecuting or circuit attorney, or assistant prosecuting or circuit attorney;

(5) "Personal information", a home address, home telephone number, mobile telephone number, pager number, personal email address, Social Security number, federal tax identification number, checking and savings account numbers, credit card numbers, marital status, and identity of children under eighteen years of age;

(6) "Publicly available content", any written, printed, or electronic document or record that provides information or that serves as a document or record maintained, controlled, or in the possession of a government agency that may be obtained by any person or entity, from the internet, from the government agency upon request either free of charge or for a fee, or in response to a request pursuant to chapter 610 or the federal Freedom of Information Act, 5 U.S.C. Section 552, as amended;

(7) "Publicly post or display", to communicate to another or to otherwise make available to the general public;

(8) "Written request", written or electronic notice signed by:

(a) A state judicial officer and submitted to the clerk of the Missouri supreme court or the clerk's designee;

or

(b) A federal judicial officer and submitted to that judicial officer's clerk of the court or the clerk's designee;

that is transmitted by the applicable clerk to a government agency, person, business, or association to request such government agency, person, business, or association refrain from posting or displaying publicly available content that includes the judicial officer's personal information.

476.1302. 1. A government agency shall not publicly post or display publicly available content that includes a judicial officer's personal information, provided that the government agency has received a written request that the agency refrain from disclosing the judicial officer's personal information. After a government agency has received a written request, the government agency shall remove the judicial officer's personal information from publicly available content within five business days. After the government agency has removed the judicial officer's personal information from publicly available content, the government agency shall not publicly post or display the judicial officer's personal information and the judicial officer's personal information shall be exempted from the provisions of chapter 610, unless the government agency has received written consent from the judicial officer to make the personal information available to the public.

2. If a government agency fails to comply with a written request to refrain from disclosing personal information, the judicial officer may bring an action seeking injunctive or declaratory relief in any court of competent jurisdiction. If the court grants injunctive or declaratory relief, the court may award costs and reasonable attorney's fees to the judicial officer.

3. The provisions of subsection 1 of this section shall not apply to any government agency created under section 43.020.

476.1304. 1. No person, business, or association shall publicly post or display on the internet publicly available content that includes a judicial officer's personal information, provided that the judicial officer has made a written request to the person, business, or association that it refrain from disclosing the personal information.

2. No person, business, or association shall solicit, sell, or trade on the internet a judicial officer's personal information for purposes of tampering with a judicial officer in violation of section 575.095 or with the intent to pose an imminent and serious threat to the health and safety of the judicial officer or the judicial officer's immediate family.

3. As prohibited in this section, persons, businesses, or associations posting, displaying, soliciting, selling, or trading a judicial officer's personal information on the internet includes, but is not limited to, internet phone directories, internet search engines, internet data aggregators, and internet service providers.

476.1306. 1. After a person, business, or association has received a written request from a judicial officer to protect the privacy of the officer's personal information, that person, business, or association shall have five business days to remove the personal information from the internet.

2. After a person, business, or association has received a written request from a judicial officer, that person, business, or association shall ensure that the judicial officer's personal information is not made

available on any website or subsidiary website controlled by that person, business, or association.

3. After receiving a judicial officer's written request, no person, business, or association shall make available the judicial officer's personal information to any other person, business, or association through any medium.

476.1308. A judicial officer whose personal information is made public as a result of a violation of sections 476.1304 to 476.1306 may bring an action seeking injunctive or declaratory relief in any court of competent jurisdiction. If the court grants injunctive or declaratory relief, the person, business, or association responsible for the violation shall be required to pay the judicial officer's costs and reasonable attorney's fees.

476.1310. 1. No government agency, person, business, or association shall be found to have violated any provision of sections 476.1300 to 476.1310 if the judicial officer fails to submit a written request calling for the protection of the judicial officer's personal information.

2. A written request shall be valid if:

(1) The judicial officer sends a written request directly to a government agency, person, business, or association; or

(2) The judicial officer complies with a Missouri supreme court rule for a state judicial officer to file the written request with the clerk of the Missouri supreme court or the clerk's designee to notify government agencies and such notice is properly delivered by mail or electronic format.

3. In each quarter of a calendar year, the clerk of the Missouri supreme court or the clerk's designee shall provide a list of all state judicial officers who have submitted a written request under this section to the

appropriate officer with ultimate supervisory authority for a government agency. The officer shall promptly provide a copy of the list to all government agencies under his or her supervision. Receipt of the written request list compiled by the clerk of the Missouri supreme court or the clerk's designee by a government agency shall constitute a written request to that government agency for the purposes of sections 476.1300 to 476.1310.

4. The chief clerk or circuit clerk of the court where the judicial officer serves may submit a written request on the judicial officer's behalf, provided that the judicial officer gives written consent to the clerk and provided that the clerk agrees to furnish a copy of that consent when a written request is made. The chief clerk or circuit clerk shall submit the written request as provided by subsection 2 of this section.

5. A judicial officer's written request shall specify what personal information shall be maintained as private. If a judicial officer wishes to identify a secondary residence as a home address, the designation shall be made in the written request. A judicial officer shall disclose the identity of his or her immediate family and indicate that the personal information of those members of the immediate family shall also be excluded to the extent that it could reasonably be expected to reveal the personal information of the judicial officer. A judicial officer shall make reasonable efforts to identify specific publicly available content in the possession of a government agency.

6. A judicial officer's written request is valid until the judicial officer provides the government agency, person, business, or association with written consent to release the personal information. A judicial officer's written request expires on such judicial officer's death.

7. The provisions of sections 476.1300 to 476.1310 shall not apply to any disclosure of personal information of a judicial officer or a member of a judicial officer's immediate family as required by Article VIII, Section 23 of the Missouri Constitution, sections 105.470 to 105.482, section 105.498, and chapter 130.

476.1313. 1. Notwithstanding any other provision of law to the contrary, a recorder of deeds shall meet the requirements of the provisions of sections 476.1300 to 476.1310 by complying with this section. As used in this section, the following terms mean:

(1) "Eligible documents", documents or instruments that are maintained by and located in the office of the recorder of deeds that are accessed electronically;

(2) "Immediate family", shall have the same meaning as in section 476.1300;

(3) "Indexes", indexes maintained by and located in the office of the recorder of deeds that are accessed electronically;

(4) "Judicial officer", shall have the same meaning as in section 476.1300;

(5) "Recorder of deeds", shall have the same meaning as in section 59.005;

(6) "Shield", "shielded", or "shielding", a prohibition against the general public's electronic access to eligible documents and the unique identifier and recording date contained in indexes for eligible documents;

(7) "Written request", written or electronic notice signed by:

(a) A state judicial officer and submitted to the clerk of the Missouri supreme court or the clerk's designee;  
or

(b) A federal judicial officer and submitted to that judicial officer's clerk of the court or the clerk's designee;

that is transmitted electronically by the applicable clerk to a recorder of deeds to request that eligible documents be shielded.

2. Written requests transmitted to a recorder of deeds shall only include information specific to eligible documents maintained by that county. Any written request transmitted to a recorder of deeds shall include the requesting judicial officer's full legal name or legal alias and a document locator number for each eligible document for which the judicial officer is requesting shielding. If the judicial officer is not a party to the instrument but is requesting shielding for an eligible document in which an immediate family member is a party to the instrument, the full legal name or legal alias of the immediate family member shall also be provided.

3. Not more than five business days after the date on which the recorder of deeds receives the written request, the recorder of deeds shall shield the eligible documents listed in the written request. Within five business days of receipt, the recorder of deeds shall electronically reply to the written request with a list of any document locator numbers submitted under subsection 2 of this section not found in the records maintained by that recorder of deeds.

4. If the full legal name or legal alias of the judicial officer or immediate family member provided does not appear on an eligible document listed in the written request, the recorder of deeds may electronically reply to the written request with this information. The recorder of deeds may delay shielding such eligible document until

electronic confirmation is received from the applicable court clerk or judicial officer.

5. In order to shield subsequent eligible documents, the judicial officer shall present to the recorder of deeds at the time of recording a copy of his or her written request. The recorder of deeds shall ensure that the eligible document is shielded within five business days.

6. Eligible documents shall remain shielded until the recorder of deeds receives a court order or notarized affidavit signed by the judicial officer directing the recorder of deeds to terminate shielding.

7. The provisions of this section shall not prohibit access to a shielded eligible document by an individual or entity that provides to the recorder of deeds a court order or notarized affidavit signed by the judicial officer.

8. No recorder of deeds shall be liable for any damages under this section, provided the recorder of deeds made a good faith effort to comply with the provisions of this section. No recorder of deeds shall be liable for the release of any eligible document or any data from any eligible document that was released or accessed prior to the eligible document being shielded pursuant to this section.

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, including a vehicle rental, sharing, or leasing company, for the purpose of tracking and managing such vehicles and providing services to customers;

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

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

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