

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILLS NOS. 919 & 1081

102ND GENERAL ASSEMBLY

1937S.04C

KRISTINA MARTIN, Secretary

## 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.

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

Section A. Section 105.1500, RSMo, is repealed and ten  
2 new sections enacted in lieu thereof, to be known as sections  
3 105.1500, 105.1675, 476.1300, 476.1302, 476.1304, 476.1306,  
4 476.1308, 476.1310, 476.1313, and 565.260, to read as follows:

105.1500. 1. This section shall be known and may be  
2 cited as "The Personal Privacy Protection Act".

3 2. As used in this section, the following terms mean:

4 (1) "Personal information", any list, record,  
5 register, registry, roll, roster, or other compilation of  
6 data of any kind that directly or indirectly identifies a  
7 person as a member, supporter, or volunteer of, or donor of  
8 financial or nonfinancial support to, any entity exempt from  
9 federal income **[tax]** **taxation** under Section 501(c) of the  
10 Internal Revenue Code of 1986, as amended;

11 (2) "Public agency", the state and any political  
12 subdivision thereof including, but not limited to, any  
13 department, agency, office, commission, board, division, or  
14 other entity of state government; any county, city,  
15 township, village, school district, community college

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16 district; or any other local governmental unit, agency,  
17 authority, council, board, commission, state or local court,  
18 tribunal or other judicial or quasi-judicial body.

19 3. (1) Notwithstanding any provision of law to the  
20 contrary, but subject to the exceptions listed under  
21 **[subsection] subsections 4 and 6** of this section, a public  
22 agency shall not:

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

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

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

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

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

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

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

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

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

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

62           [(4)] (5) Responding to any lawful request for  
63 discovery of personal information in litigation if:

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

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

70           [(5)] (6) Applicable court rules or admitting any  
71 personal information as relevant evidence before a court of  
72 competent jurisdiction. However, a submission of personal  
73 information to a court shall be made in a manner that it is  
74 not publicly revealed and no court shall publicly reveal  
75 personal information absent a specific finding of good  
76 cause; or

77            [(6)] (7) Any report or disclosure required by state  
78 law to be filed with the secretary of state, provided that  
79 personal information obtained by the secretary of state is  
80 otherwise subject to the requirements of paragraph (c) of  
81 subdivision (1) of subsection 3 of this section, unless  
82 expressly required to be made public by state law.

83            5. (1) A person or entity alleging a violation of  
84 this section may bring a civil action for appropriate  
85 injunctive relief, damages, or both. Damages awarded under  
86 this section may include one of the following, as  
87 appropriate:

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

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

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

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

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

102            (1) **Personal information that a person or entity**  
103 **exempt from federal income taxation under Section 501(c) of**  
104 **the Internal Revenue Code of 1986, as amended, submits or**  
105 **has previously submitted to a public agency for the purpose**  
106 **of seeking or obtaining, including acting on behalf of**  
107 **another to seek or obtain, a contract, grant, permit,**  
108 **license, benefit, tax credit, incentive, status, or any**

109 other similar item, including a renewal of the same,  
110 provided that a public agency shall not require an entity  
111 exempt from federal income taxation under Section 501(c) of  
112 the Internal Revenue Code of 1986, as amended, to provide  
113 information that directly identifies donors of financial  
114 support, but such information may be voluntarily provided to  
115 a public agency by the 501(c) entity. If a financial donor  
116 is seeking a benefit, tax credit, incentive, or any other  
117 similar item from a public agency based upon a donation,  
118 confirmation of specific donations by an entity exempt from  
119 federal income taxation under Section 501(c) of the Internal  
120 Revenue Code of 1986, as amended, shall be considered  
121 personal information voluntarily provided to the public  
122 agency by the 501(c) entity;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32           (d) Judges of the United States Bankruptcy Court;

33           (e) Judges of the Missouri supreme court;

34           (f) Judges of the Missouri court of appeals;

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

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

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

45           (6) "Publicly available content", any written,  
46 printed, or electronic document or record that provides  
47 information or that serves as a document or record  
48 maintained, controlled, or in the possession of a government  
49 agency that may be obtained by any person or entity, from  
50 the internet, from the government agency upon request either  
51 free of charge or for a fee, or in response to a request

52 pursuant to chapter 610 or the federal Freedom of  
53 Information Act, 5 U.S.C. Section 552, as amended;

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

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

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

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

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

476.1302. 1. A government agency shall not publicly  
2 post or display publicly available content that includes a  
3 judicial officer's personal information, provided that the  
4 government agency has received a written request that the  
5 agency refrain from disclosing the judicial officer's  
6 personal information. After a government agency has  
7 received a written request, the government agency shall  
8 remove the judicial officer's personal information from  
9 publicly available content within five business days. After  
10 the government agency has removed the judicial officer's  
11 personal information from publicly available content, the  
12 government agency shall not publicly post or display the  
13 judicial officer's personal information and the judicial  
14 officer's personal information shall be exempted from the

15 provisions of chapter 610, unless the government agency has  
16 received written consent from the judicial officer to make  
17 the personal information available to the public.

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

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

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

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

15 3. As prohibited in this section, persons, businesses,  
16 or associations posting, displaying, soliciting, selling, or  
17 trading a judicial officer's personal information on the  
18 internet includes, but is not limited to, internet phone

19 directories, internet search engines, internet data  
20 aggregators, and internet service providers.

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

7 2. After a person, business, or association has  
8 received a written request from a judicial officer, that  
9 person, business, or association shall ensure that the  
10 judicial officer's personal information is not made  
11 available on any website or subsidiary website controlled by  
12 that person, business, or association.

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

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

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

6 2. A written request shall be valid if:

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

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

16           3. In each quarter of a calendar year, the clerk of  
17 the Missouri supreme court or the clerk's designee shall  
18 provide a list of all state judicial officers who have  
19 submitted a written request under this section to the  
20 appropriate officer with ultimate supervisory authority for  
21 a government agency. The officer shall promptly provide a  
22 copy of the list to all government agencies under his or her  
23 supervision. Receipt of the written request list compiled  
24 by the clerk of the Missouri supreme court or the clerk's  
25 designee by a government agency shall constitute a written  
26 request to that government agency for the purposes of  
27 sections 476.1300 to 476.1310.

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

36           5. A judicial officer's written request shall specify  
37 what personal information shall be maintained as private.  
38 If a judicial officer wishes to identify a secondary

39 residence as a home address, the designation shall be made  
40 in the written request. A judicial officer shall disclose  
41 the identity of his or her immediate family and indicate  
42 that the personal information of those members of the  
43 immediate family shall also be excluded to the extent that  
44 it could reasonably be expected to reveal the personal  
45 information of the judicial officer. A judicial officer  
46 shall make reasonable efforts to identify specific publicly  
47 available content in the possession of a government agency.

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

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

476.1313. 1. Notwithstanding any other provision of  
2 law to the contrary, a recorder of deeds shall meet the  
3 requirements of the provisions of sections 476.1300 to  
4 476.1310 by complying with this section. As used in this  
5 section, the following terms mean:

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

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

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

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

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

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

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

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

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

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

33           2. Written requests transmitted to a recorder of deeds  
34 shall only include information specific to eligible  
35 documents maintained by that county. Any written request  
36 transmitted to a recorder of deeds shall include the  
37 requesting judicial officer's full legal name or legal alias  
38 and a document locator number for each eligible document for  
39 which the judicial officer is requesting shielding. If the  
40 judicial officer is not a party to the instrument but is  
41 requesting shielding for an eligible document in which an

42 immediate family member is a party to the instrument, the  
43 full legal name or legal alias of the immediate family  
44 member shall also be provided.

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

53 4. If the full legal name or legal alias of the  
54 judicial officer or immediate family member provided does  
55 not appear on an eligible document listed in the written  
56 request, the recorder of deeds may electronically reply to  
57 the written request with this information. The recorder of  
58 deeds may delay shielding such eligible document until  
59 electronic confirmation is received from the applicable  
60 court clerk or judicial officer.

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

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

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

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

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

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

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

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

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

23           (4) By a legally authorized representative of a  
24 vulnerable adult for the purpose of tracking a motor vehicle  
25 owned or leased by such adult. As used in this subdivision,

26 "vulnerable adult" means any person eighteen years of age or  
27 older who is impaired by reason of mental illness,  
28 intellectual or developmental disability, physical illness  
29 or disability, or other causes, including age, to the extent  
30 the person lacks sufficient understanding or capacity to  
31 make, communicate, or carry out reasonable decisions  
32 concerning his or her well-being or has one or more  
33 limitations that substantially impair the person's ability  
34 to independently provide for his or her daily needs or  
35 safeguard his or her person, property, or legal interests;

36 (5) By an owner of fleet vehicles, including a vehicle  
37 rental, sharing, or leasing company, for the purpose of  
38 tracking and managing such vehicles and providing services  
39 to customers;

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

43 (7) By a bail bond agent, general bail bond agent,  
44 property bail bondsman, or surety bail bond agent, as those  
45 terms are defined under section 374.700, in conjunction with  
46 the agent's or bondsman's duties to track a defendant, in  
47 which the agent or bondsman is acting as a surety and  
48 pledging money or property for the defendant's appearance in  
49 court.

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

53 4. The offense of unlawful tracking of a motor vehicle  
54 is a class A misdemeanor.

Section B. Because immediate action is necessary to  
2 protect the ability of nonprofit entities to interact with  
3 public agencies and restore transparency to governmental

4 contracts, grant programs, and other similar items, the  
5 repeal and reenactment of section 105.1500 of Section A of  
6 this act is deemed necessary for the immediate preservation  
7 of the public health, welfare, peace, and safety, and is  
8 hereby declared to be an emergency act within the meaning of  
9 the constitution, and the repeal and reenactment of section  
10 105.1500 of Section A of this act shall be in full force and  
11 effect upon its passage and approval.

✓