

FIRST REGULAR SESSION

HOUSE BILL NO. 1083

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SANDER.

2462L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 610.035, RSMo, and to enact in lieu thereof one new section relating to disclosure of Social Security numbers, with penalty provisions.

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

Section A. Section 610.035, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 610.035, to read as follows:

610.035. **1.** No state entity shall publicly disclose any Social Security number of a living person unless such disclosure is permitted by federal law, federal regulation or state law or unless such disclosure is authorized by the holder of that Social Security number or unless such disclosure is for use in connection with any civil, criminal, administrative or arbitral proceeding in any federal, state or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state or local court. Notwithstanding any other provision of law to the contrary, the disclosure of Social Security numbers of deceased persons shall be lawful, provided that the state agency disclosing the information knows of no reason why such disclosure would prove detrimental to the deceased individual's estate or harmful to the deceased individual's living relatives. For the purposes of this section, "publicly disclose" shall not include the use of any Social Security number by any state entity in the performance of any statutory or constitutional duty or power or the disclosure of any Social Security number to another state entity, political subdivision, agency of the federal government, agency of another state or any private person or entity acting on behalf of, or in cooperation with, a state entity. Any person or entity receiving a Social Security number from any entity shall be subject to the same confidentiality provisions as the disclosing entity. For

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.

18 purposes of this section, "state entity" means any state department, division, agency, bureau,
19 board, commission, employee or any agent thereof. When responding to any requests for public
20 information pursuant to this chapter, any costs incurred by any state entity complying with the
21 provisions of this section may be charged to the requester of such information.

22 **2. Upon a finding by a preponderance of the evidence that a state entity has**
23 **knowingly violated this section, the state entity shall be subject to a civil penalty in an**
24 **amount up to one thousand dollars. If the court finds that there is a knowing violation of**
25 **this section, the court may order the payment by such entity of all costs and reasonable**
26 **attorney fees to any party successfully establishing a violation. The court shall determine**
27 **the amount of the penalty by taking into account the size of the jurisdiction, the seriousness**
28 **of the offense, and whether the state entity has violated this section previously.**

29 **3. Upon a finding by a preponderance of the evidence that a state entity has**
30 **purposely violated this section, the state entity shall be subject to a civil penalty in an**
31 **amount up to five thousand dollars. If the court finds that there was a purposeful violation**
32 **of this section, then the court shall order the payment by such entity of all costs and**
33 **reasonable attorney fees to any party successfully establishing such a violation. The court**
34 **shall determine the amount of the penalty by taking into account the size of the**
35 **jurisdiction, the seriousness of the offense, and whether the state entity has violated this**
36 **section previously.**

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