

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 1512, Page 1, Section A, Line 3, by inserting immediately after all of said
2 line the following:

3
4 "431.224. 1. Notwithstanding any other provision of law, a provision within a settlement
5 agreement that prevents the disclosure of factual information related to the action is prohibited in
6 any civil action the factual foundation of which establishes a cause of action for civil damages for
7 any of the following:

8 (1) An act that may be prosecuted as a felony sexual offense;

9 (2) An act of child sexual abuse;

10 (3) An act of sexual exploitation of a minor;

11 (4) An act of sexual assault against an elderly or dependent adult;

12 (5) A misdemeanor act of sexual misconduct; or

13 (6) A misdemeanor act of harassment.

14 2. Any person who obtains a claim or final judgment in any civil action the factual
15 foundation of which establishes a cause of action for civil damages under subdivisions (1) to (6) of
16 subsection 1 of this section shall not be offered or required to sign any confidentiality agreement
17 stating that he or she shall not discuss his or her claim or final judgment, or if he or she does discuss
18 such claim or final judgment, he or she shall waive any right to moneys obtained. If a
19 confidentiality agreement is offered to a person in violation of this section and such agreement is
20 signed, such signed agreement shall be unenforceable.

21 3. Notwithstanding any other provision of law, in a civil action under subdivisions (1) to (6)
22 of subsection 1 of this section, no court shall enter, by stipulation or otherwise, an order that
23 restricts the disclosure of information in a manner that conflicts with subsection 1 of this section.

24 4. The provisions of subsections 1 to 3 of this section shall not preclude an agreement
25 preventing the disclosure of any medical information or personal identifying information regarding
26 the victim of the offense under subsection 1 of this section or of any information revealing the
27 nature of the relationship between the victim and the defendant. The provisions of this subsection
28 shall not be construed to limit the right of a crime victim to disclose such information.

29 5. Except as authorized under subsection 4 of this section, a provision within a settlement
30 agreement that prevents the disclosure of factual information related to the action described in
31 subsection 1 of this section that is entered into on or after January 1, 2019, is void as a matter of law
32 and against public policy.

33 6. An attorney's failure to comply with the requirements of this section by demanding that a
34 provision be included in a settlement agreement that prevents the disclosure of factual information
35 related to the action described in subsection 1 of this section that is not otherwise authorized by
36 subsection 4 of this section as a condition of settlement, or advising a client to sign an agreement

Action Taken _____ Date _____

1 that includes such a provision, may be grounds for professional discipline, and the office of chief
2 disciplinary counsel shall investigate and take appropriate action in any such case brought to its
3 attention."; and

4

5 Further amend said bill by amending the title, enacting clause, and intersectional references
6 accordingly.