

SECOND REGULAR SESSION

HOUSE BILL NO. 1817

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MITTEN.

5385H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 610.025, RSMo, and to enact in lieu thereof one new section relating to electronic public records, with penalty provisions.

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

Section A. Section 610.025, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 610.025, to read as follows:

610.025. **1.** Any **elected or appointed** member of a public governmental body **or any staff member or employee of the public governmental body** who transmits any message relating to public business by electronic means shall also concurrently transmit that message to ~~either the member's public office computer or~~ the custodian of records **for the public governmental body** in the same format. ~~[The provisions of this section shall only apply to messages sent to two or more members of that body so that, when counting the sender, a majority of the body's members are copied.]~~ Any such message received by the custodian ~~[or at the member's office computer]~~ shall be a public record subject to the exceptions of section 610.021.

2. No **elected or appointed member of a public governmental body or any staff member or employee of the public governmental body shall download or use software designed to send encrypted messages by electronic means that automatically self-destruct on any communication device purchased with public moneys.**

3. No **elected or appointed member of a public governmental body or any staff member or employee of the public governmental body shall use software designed to send encrypted messages by electronic means that automatically self-destruct to conduct public business on any personally owned electronic device.**

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.

17 **4. Any individual who knowingly or purposely violates this section shall only be**
18 **held individually liable under section 610.027. A staff member or employee of a public**
19 **governmental body shall be treated as a member of the public governmental body under**
20 **section 610.027 only for purposes of determining the appropriate penalty for violation of**
21 **this section.**

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