

HB 2524 -- THE SUNSHINE LAW

SPONSOR: Evans

This bill clarifies that any aggrieved person, the Attorney General, or the prosecuting attorney can seek judicial enforcement of the requirements of Sections 109.260, 109.265, and 109.270, RSMo, but such suits must be brought within one year after the violation was discovered.

The bill states that such claims must be brought in the circuit court for the county in which the agency has its principal place of business and that once a civil action has been brought, the custodian of any material that is the subject matter of the civil action cannot transfer custody or destroy the material until the court makes a ruling on the status of the material.

Upon a finding by a preponderance of the evidence that an agency has knowingly violated Sections 109.260, 109.265, or 109.270, the agency will be subject to a civil penalty in an amount not less than \$500 but not more than \$10,000 and reasonable attorney's fees. If the court finds that there was a violation but it was not made knowingly, the court may impose a civil penalty in an amount not more than \$1,000 and reasonable attorney's fees. Any person who knowingly violates such sections commits a class B misdemeanor.

The bill also changes the penalty for a knowing violation of Sections 610.010 to 610.026, from up to \$1,000 to a range of not less than \$500 but not more than \$10,000 and reasonable attorney's fees. If the court finds that there was a violation but it was not made knowingly, the court may impose a civil penalty of not more than \$1,000 and reasonable attorney's fees. A person who knowingly violates such sections commits a class B misdemeanor.

This bill also creates within the Office of the Attorney General a Transparency Division, for the sole purpose of prosecuting violations of Chapters 109 and 610.

The bill states that if the action brought by the Attorney General's office creates a conflict of interest under the Missouri rules of professional conduct the state, all agencies of the state, and all officers of the state in their official capacity shall be deemed to have waived such actual or potential conflicts under the Missouri rules of professional conduct.

This bill allows the Attorney General to serve a civil investigative demand on any person whom the Attorney General believes may have information or evidence relevant to a suspected violation of Chapters 109 or 610.

This bill is the same as HB 2523 (2018).