

Topic: Private cause of action if Attorney General does not initiate

_____ moved to amend as follows:

1 In line 5 of the title, after "program" insert "and to
2 allow a person to bring a civil action on behalf of the state
3 against a covered entity if the Attorney General declines to do
4 so"

5 In line 175, delete everything after "**Sec. 1354.04.**"

6 Delete lines 176 through 178 and insert "(A) A person who
7 is injured because the person's personal information or
8 restricted information is compromised by a covered entity may
9 petition the attorney general to initiate a civil action against
10 the covered entity. The attorney general shall have one hundred
11 twenty days after the petition is submitted to consider the
12 petition and to either initiate a civil action against the
13 covered entity or decline to do so. If the attorney general
14 either declines to initiate a civil action against the covered
15 entity, or fails to respond to the petition by the one hundred
16 twenty-first day after the petition was submitted, a person may

17 initiate an individual or putative class action on behalf of the
18 state for damages against the covered entity.

19 (B) Damages recovered by a petitioner in a civil action
20 initiated under this section shall be distributed as follows:

21 (1) Fifty per cent to the state to be deposited into the
22 state treasury to the credit of the general revenue fund; and

23 (2) Fifty per cent to the petitioner, petitioners, or
24 petitioner class.

25 (C) Petitioners or petitioner classes that prevail in a
26 civil action brought under this section shall be entitled to
27 reasonable attorney's fees and costs in the action as determined
28 by the court.

29 (D) Nothing in this section shall preclude a petitioner or
30 petitioner's representative from also proceeding with a cause of
31 action otherwise available under any other provision of this
32 chapter or other theory of law."

33 The motion was _____ agreed to.