

Hall of the House of Representatives

90th General Assembly - Regular Session, 2015

Amendment Form

Subtitle of House Bill No. 1669

TO PROMOTE THE RIGHTS GUARANTEED BY THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION; AND TO PROTECT A CITIZEN'S RIGHT TO OBSERVE AND RECORD PUBLIC EVENTS.

Amendment No. 1 to House Bill No. 1669

Amend House Bill No. 1669 as originally introduced:

Page 2, delete lines 31 through 34, and substitute the following:

"(c)(1) A violation of this section constitutes a waiving of the sovereign immunity of the state.

(2) A public officer or employee who violates this section may only be sued in his or her official capacity.

(3) A court construing this section shall do so consistently with official capacity claims under the First Amendment of the United States Constitution filed through 42 U.S.C. § 1983 and the Arkansas Civil Rights Act of 1993, § 16-123-101 et seq.

(4) Punitive damages are not provided under this section.

(5) When a party sues for relief under this section or any other applicable law, the party shall only receive a single remedy for a single injury."

AND

Page 3, line 13, add the following:

"(g) A state agency may adopt policies to limit or prohibit the use of recording devices by that state agency's employees or contractors in the course and scope of their employment if those policies are intended to comply with the requirements of the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, or the requirements of other state or federal privacy laws."



The Amendment was read
By: Representative Womack
BPG/LNS - 03-09-2015 13:40:12
BPG461

Chief Clerk