

HB1331_L.003

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB17-1331 be amended as follows:

1 Amend reengrossed bill, page 2, after line 13 insert:

2 "(2) A VIOLATION OF SUBSECTION (1) OF THIS SECTION IS A CLASS
3 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401.

4 (3) (a) IN ADDITION TO ALL OTHER AVAILABLE REMEDIES, A
5 PERSON WHO SUFFERED DAMAGES AS THE RESULT OF A VIOLATION OF
6 SUBSECTION (1) OF THIS SECTION HAS A PRIVATE CIVIL RIGHT OF ACTION
7 AGAINST ANY PERSON EMPLOYED BY THE STATE OR A STATE AGENCY, THE
8 STATE, OR A STATE AGENCY THAT COMMITTED THE VIOLATION OF
9 SUBSECTION (1) OF THIS SECTION.

10 (b) IN AN ACTION BROUGHT PURSUANT TO SUBSECTION (3)(a) OF
11 THIS SECTION, THE PLAINTIFF IS ENTITLED TO INJUNCTIVE RELIEF AND TO
12 RECOVER ACTUAL DAMAGES AND PUNITIVE DAMAGES. IF THE ACTUAL
13 DAMAGES ARE LESS THAN TEN THOUSAND DOLLARS PER VIOLATION, THE
14 PLAINTIFF IS ENTITLED TO STATUTORY DAMAGES OF FIVE THOUSAND
15 DOLLARS PER VIOLATION. IN ADDITION TO ANY DAMAGES AND OTHER
16 RELIEF AWARDED PURSUANT TO THIS SUBSECTION (3), IF THE PLAINTIFF
17 PREVAILS, THE COURT SHALL ASSESS AGAINST THE DEFENDANT
18 REASONABLE ATTORNEY FEES AND ANY OTHER LITIGATION COSTS AND
19 EXPENSES, INCLUDING EXPERT FEES, REASONABLY INCURRED BY THE
20 PLAINTIFF."

21 Renumber succeeding subsection accordingly.

** ** ** ** **

