

SB0797/283623/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 797
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in its entirety line 3; in line 6, before “providing” insert “prohibiting a certain business owner from being compelled to disclose in certain proceedings certain communications or information received or acquired from a certain employee;”; and in line 12, after “9-124” insert “and 9-125”.

AMENDMENT NO. 2

On page 2, after line 32, insert:

“9-125.

(A) A BUSINESS OWNER MAY NOT BE COMPELLED TO DISCLOSE, IN ANY COURT, ADMINISTRATIVE, ARBITRATION, OR OTHER PROCEEDING, ANY COMMUNICATION OR INFORMATION THE BUSINESS OWNER RECEIVED OR ACQUIRED FROM AN EMPLOYEE OF THE BUSINESS OWNER WHILE THE BUSINESS OWNER WAS ACTING IN A PROFESSIONAL CAPACITY.

(B) A BUSINESS OWNER MAY DISCLOSE A COMMUNICATION OR INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION:

(1) TO THE EXTENT NECESSARY TO PREVENT THE COMMISSION OF A CRIME THAT IS LIKELY TO RESULT IN A CLEAR, IMMINENT RISK OF SERIOUS PHYSICAL INJURY TO OR DEATH OF ANOTHER INDIVIDUAL;

(2) TO THE EXTENT THE COMMUNICATION OR INFORMATION CONSTITUTES AN ADMISSION THAT THE EMPLOYEE HAS COMMITTED A CRIME;

(Over)

(3) IN ANY COURT, ADMINISTRATIVE, ARBITRATION, OR OTHER PROCEEDING AGAINST THE BUSINESS OWNER IN THE BUSINESS OWNER'S PERSONAL OR PROFESSIONAL CAPACITY;

(4) IF THE BUSINESS OWNER HAS OBTAINED THE WRITTEN OR ORAL CONSENT OF THE EMPLOYEE;

(5) IF THE EMPLOYEE IS DECEASED OR HAS BEEN ADJUDICATED INCOMPETENT BY A COURT OF COMPETENT JURISDICTION AND THE BUSINESS OWNER HAS OBTAINED THE WRITTEN OR ORAL CONSENT OF THE PERSONAL REPRESENTATIVE OF THE EMPLOYEE'S ESTATE OR OF THE EMPLOYEE'S GUARDIAN; OR

(6) WHEN REQUIRED BY A COURT ORDER.

(C) AN ADVERSE INFERENCE MAY NOT BE DRAWN BASED ON THE REFUSAL OF A BUSINESS OWNER TO DISCLOSE A COMMUNICATION OR ANY INFORMATION UNDER SUBSECTION (B)(3) OF THIS SECTION."