

Moved by Davis

Seconded by Darrington

IN THE SENATE  
SENATE AMENDMENT TO S.B. NO. 1339

AMENDMENT TO SECTION 1

1  
2 On page 1 of the printed bill, in line 15, following "or" insert:  
3 "physically"; in line 17, following "Disclosure," insert: "physical"; in  
4 line 21, following "disclosure," insert: "physical"; in line 22, following  
5 "or" insert: "physical"; in line 32, following "or" insert: "physically";  
6 and on page 2, following line 14, insert:

7 "(6) "Physical retention" and "physical possession" means to keep,  
8 save, hold or preserve beyond mere mental memorization or knowledge, but  
9 shall include, and not be limited to, electronic means of preservation."

AMENDMENT TO SECTION 2

10  
11 On page 2, in line 17, delete "Trade secret misappropriation, once  
12 proven,"; delete line 18; in line 19, delete "the misappropriation."; and  
13 delete lines 37 through 42, and insert:

14 "(4) Any party named in litigation under this chapter who acts with  
15 knowledge of the misappropriation of a trade secret, or with deliberate or  
16 reckless disregard of the facts of a misappropriation, shall be jointly and  
17 severally liable for all damages established under this section where the  
18 parties were acting in concert. As used in this section, "acting in concert"  
19 means pursuing a common plan or design that results in a violation of this  
20 act."

CORRECTION TO TITLE

21  
22 On page 1, in line 3, following "DEFINITIONS" insert: "AND TO DEFINE A  
23 TERM".