

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S3/17/03 H3/31/03

A Bill

SENATE BILL 742

5 By: Senator Madison
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For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS FREEDOM OF
10 INFORMATION ACT OF 1967 TO DENY ACCESS TO PUBLIC
11 RECORDS TO ANY FELON WHO IS CURRENTLY
12 INCARCERATED IN A CORRECTIONAL FACILITY; TO ALLOW
13 ACCESS TO PUBLIC RECORDS TO A FELON'S ATTORNEY;
14 AND FOR OTHER PURPOSES.
15

Subtitle

16 AN ACT TO AMEND THE ARKANSAS FREEDOM OF
17 INFORMATION ACT TO DENY ACCESS TO PUBLIC
18 RECORDS TO ANY FELON WHO IS CURRENTLY
19 INCARCERATED IN A CORRECTIONAL FACILITY.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 25-19-105(a), concerning the right to
26 inspect and copy public records, is amended to read as follows:

27 (a)(1)(A) Except as otherwise specifically provided by this section or
28 by laws specifically enacted to provide otherwise, all public records shall
29 be open to inspection and copying by any citizen of the State of Arkansas
30 during the regular business hours of the custodian of the records.

31 (B)(i) However, access to inspect and copy public records
32 of the Department of Correction and the Department of Community Correction
33 shall be denied to a person who, at the time of the request, has pleaded
34 guilty to or been found guilty of a felony and is incarcerated in a
35 correctional facility.

36 (ii) Access to inspect and copy public records of



1 the Department of Correction and the Department of Community Correction shall
2 also be denied to the representative of a person under (a)(1)(B)(i) of this
3 section, unless the representative is the person's attorney who is requesting
4 information that is subject to disclosure under this section.

5 (2)(A) A citizen may make a request to the custodian to inspect,
6 copy, or receive copies of public records.

7 (B) The request may be made in person, by telephone, by
8 mail, by facsimile transmission, by electronic mail, or by other electronic
9 means provided by the custodian.

10 (C) The request shall be sufficiently specific to enable
11 the custodian to locate the records with reasonable effort.

12 (3) If the person to whom the request is directed is not the
13 custodian of the records, the person shall so notify the requester and
14 identify the custodian, if known to or readily ascertainable by the person.

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16 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
17 General Assembly of the State of Arkansas that certain records of law abiding
18 citizens of this state need further protection from disclosure; that this act
19 provides that protection; and that until this act goes into effect, the law
20 abiding citizens of this state will remain in danger of information being
21 disclosed which is contrary to their best interests. Therefore, an emergency
22 is declared to exist, and this act being immediately necessary for the
23 preservation of the public peace, health, and safety shall become effective
24 on:

25 (1) The date of its approval by the Governor;

26 (2) If the bill is neither approved nor vetoed by the Governor,
27 the expiration of the period of time during which the Governor may veto the
28 bill; or

29 (3) If the bill is vetoed by the Governor and the veto is
30 overridden, the date the last house overrides the veto.

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32 /s/ Madison
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