

1 State of Arkansas
2 93rd General Assembly
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4

As Engrossed: S2/1/21 S2/8/21

A Bill

SENATE BILL 194

5 By: Senator D. Sullivan
6 By: Representative Milligan
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF
10 1967; TO ALLOW THE PHOTOGRAPHING OF PUBLIC RECORDS;
11 AND FOR OTHER PURPOSES.
12
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Subtitle

15 TO AMEND THE FREEDOM OF INFORMATION ACT
16 OF 1967; AND TO ALLOW THE PHOTOGRAPHING
17 OF PUBLIC RECORDS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. DO NOT CODIFY. The purpose of this act is to clarify that
23 the term "copy" used in the Freedom of Information Act of 1967, § 25-19-101
24 et seq., includes the ability of a citizen to capture still and moving images
25 through image capture, including still and moving photography and video and
26 digital recording.
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28 SECTION 2. Arkansas Code § 25-19-105(a)(1) and (2), concerning the
29 examination and copying of public records under the Freedom of Information
30 Act of 1967, are amended to read as follows:

31 (a)(1)(A) Except as otherwise specifically provided by this section or
32 by laws specifically enacted to provide otherwise, all public records shall
33 be open to inspection and copying, including without limitation copying
34 through image capture, including still and moving photography and video and
35 digital recording, by any citizen of the State of Arkansas during the regular
36 business hours of the custodian of the records.



1 (B) However, access to inspect and copy, including without
2 limitation copying through image capture, including still and moving
3 photography and video and digital recording, public records shall be denied
4 to:

5 (i) A person who at the time of the request has
6 pleaded guilty to or been found guilty of a felony and is incarcerated in a
7 correctional facility; and

8 (ii) The representative of a person under
9 subdivision (a)(1)(B)(i) of this section unless the representative is the
10 person's attorney who is requesting information that is subject to disclosure
11 under this section.

12 (2)(A) A citizen may make a request to the custodian to inspect,
13 copy, including without limitation through image capture, including still and
14 moving photography and video and digital recording, or receive copies of
15 public records.

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

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

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22 SECTION 3. Arkansas Code § 25-19-105(d)(1), concerning the access to
23 public records for examination and copying under the Freedom of Information
24 Act of 1967, is amended to read as follows:

25 (d)(1) Reasonable access to public records and reasonable comforts and
26 facilities for the full exercise of the right to inspect and copy, including
27 without limitation copying through image capture, including still and moving
28 photography and video and digital recording, those records shall not be
29 denied to any citizen.

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31 SECTION 4. Arkansas Code § 25-19-105(d)(3)(A), concerning the fee for
32 examination and copying of public records under the Freedom of Information
33 Act of 1967, is amended to add an additional subdivision to read as follows:

34 (v) Except as provided in § 25-19-109, the custodian
35 may not charge a fee for the requestor's inspection or copying, including
36 without limitation copying through image capture, including still and moving

1 photography and video and digital recording, of public records.

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3 SECTION 5. Arkansas Code § 25-19-105(f)(4), concerning the denial of
4 the right of examination and copying of public records under the Freedom of
5 Information Act of 1967, is amended to read as follows:

6 (4) If it is necessary to separate exempt from nonexempt
7 information in order to permit a citizen to inspect, copy, including without
8 limitation copying through image capture, including still and moving
9 photography and video and digital recording, or obtain copies of public
10 records, the custodian shall bear the cost of the separation.

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13 /s/D. Sullivan

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16 **APPROVED: 3/9/21**