

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S2/1/21

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 photograph a public record as
25 found in the case of Motal v. City of Little Rock, 2020 Ark App. 308 (2020).
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27 SECTION 2. Arkansas Code § 25-19-105(a)(1) and (2), concerning the
28 examination and copying of public records under the Freedom of Information
29 Act of 1967, are amended to read as follows:

30 (a)(1)(A) Except as otherwise specifically provided by this section or
31 by laws specifically enacted to provide otherwise, all public records shall
32 be open to inspection and copying, including without limitation copying by
33 taking a photograph, by any citizen of the State of Arkansas during the
34 regular business hours of the custodian of the records.

35 (B) However, access to inspect and copy, including without
36 limitation copying by taking a photograph, public records shall be denied to:



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

4 (ii) The representative of a person under
5 subdivision (a)(1)(B)(i) of this section unless the representative is the
6 person's attorney who is requesting information that is subject to disclosure
7 under this section.

8 (2)(A) A citizen may make a request to the custodian to inspect,
9 copy, including without limitation by taking a photograph, or receive copies
10 of public records.

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

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

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

20 (d)(1) Reasonable access to public records and reasonable comforts and
21 facilities for the full exercise of the right to inspect and copy, including
22 without limitation copying by taking a photograph, those records shall not be
23 denied to any citizen.

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

28 (v) Except as provided in § 25-19-109, the custodian
29 may not charge a fee for the inspection or copying, including without
30 limitation copying by taking a photograph, of public records.

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

35 (4) If it is necessary to separate exempt from nonexempt
36 information in order to permit a citizen to inspect, copy, including without

1 limitation copying by taking a photograph, or obtain copies of public
2 records, the custodian shall bear the cost of the separation.

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/s/D. Sullivan