1   State of Arkansas

2   93rd General Assembly

A Bill

3   Regular Session, 2021

SENATE BILL 196

4

5   By: Senator D. Sullivan

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For An Act To Be Entitled

8   AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF

9   1967; TO AMEND THE AWARDING OF ATTORNEYS FEES UNDER

10   THE FREEDOM OF INFORMATION ACT OF 1967; AND FOR OTHER

11   PURPOSES.

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Subtitle

15   TO AMEND THE FREEDOM OF INFORMATION ACT

16   OF 1967; AND TO AMEND THE AWARDING OF

17   ATTORNEYS FEES UNDER THE FREEDOM OF

18   INFORMATION ACT OF 1967.

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21   BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23   SECTION 1. DO NOT CODIFY. The purpose of this act is to clarify that

24   the "catalyst theory" applies to attorney's fees and other litigation

25   expenses under the Freedom of Information Act of 1967, § 25-19-101 et seq.,

26   to the extent that that attorney's fees and other litigation expenses

27   incurred under the act shall be awarded to a plaintiff if the defendant

28   public entity provides a significant or material portion of the contested

29   public information during the course of litigation, but prior to an order of

30   the court.

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32   SECTION 2. Arkansas Code § 25-19-107(d)(1), concerning the right to

33   appeal a denial of rights under the Freedom of Information Act of 1967 and

34   the awarding of attorney's fees, is amended to read as follows:

35   (d)(1) In any action to enforce the rights granted by this chapter, or

36   in any appeal therefrom, the court shall assess against the defendant

1   reasonable attorney's fees and other litigation expenses reasonably incurred

2   by a plaintiff who ~~has substantially prevailed~~, after filing suit, has

3   obtained from the defendant a significant or material portion of the public

4   information he or she requested, unless the court finds that the position of

5   the defendant was substantially justified by clearly established law.

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