

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

As Engrossed: S2/1/21
A Bill

SENATE BILL 196

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 AMEND THE AWARDING OF ATTORNEYS FEES UNDER
11 THE FREEDOM OF INFORMATION ACT OF 1967; AND FOR OTHER
12 PURPOSES.
13
14

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.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. DO NOT CODIFY. The purpose of this act is to clarify that
25 the "catalyst theory" applies to attorney's fees and other litigation
26 expenses under the Freedom of Information Act of 1967, § 25-19-101 et seq.,
27 to the extent that that attorney's fees and other litigation expenses
28 incurred under the act shall be awarded to a plaintiff if the defendant
29 public entity provides a significant or material portion of the contested
30 public information during the course of litigation, but prior to an order of
31 the court.
32

33 SECTION 2. Arkansas Code § 25-19-107(d)(1), concerning the right to
34 appeal a denial of rights under the Freedom of Information Act of 1967 and
35 the awarding of attorney's fees, is amended to read as follows:

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



1 in any appeal therefrom, the court shall assess against the defendant
2 reasonable attorney's fees and other litigation expenses reasonably incurred
3 by a plaintiff who ~~has substantially prevailed~~, after filing suit, has
4 obtained from the defendant a significant or material portion of the public
5 information he or she requested, unless the court finds that the position of
6 the defendant was substantially justified by clearly established law.

7
8
9 /s/D. Sullivan
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36