

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas As Engrossed: S3/27/23 S3/29/23

2 94th General Assembly

A Bill

3 Regular Session, 2023

SENATE BILL 380

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5 By: Senators A. Clark, J. Boyd

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For An Act To Be Entitled

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AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF

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1967; TO REQUIRE RECORDS CUSTODIANS TO RESPOND IN

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WRITING IN CERTAIN CIRCUMSTANCES UNDER THE FREEDOM OF

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INFORMATION ACT OF 1967; AND FOR OTHER PURPOSES.

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Subtitle

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TO REQUIRE RECORDS CUSTODIANS TO RESPOND

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IN WRITING IN CERTAIN CIRCUMSTANCES UNDER

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THE FREEDOM OF INFORMATION ACT OF 1967.

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

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SECTION 1. Arkansas Code § 25-19-105(a)(3), concerning the manner in which a citizen may request public records under the Freedom of Information Act of 1967, is amended to read as follows:

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

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A custodian shall respond as follows in writing within the time period required under this section to a written request for public records:

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(A) If no records exist that are responsive to the request, the custodian shall respond that no records exist;

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(B) If any responsive records that exist are subject to exemptions under this chapter or other law, the custodian shall respond and identify the applicable exemptions; and

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(C) If the custodian lacks administrative control over any responsive records that may exist, the custodian shall respond and identify

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1 the appropriate custodian to direct the request to, if known or readily
2 ascertainable.

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4 SECTION 2. Arkansas Code § 25-19-105(a), concerning the manner in
5 which a citizen may request public records under the Freedom of Information
6 Act of 1967, is amended to add additional subdivisions to read as follows:

7 (4) A custodian's response under subdivision (a)(3) of this
8 section may be delivered by electronic mail.

9 (5) If a custodian knowingly fails to respond as required under
10 subdivision (a)(3), he or she shall be subject to the penalties in § 25-19-
11 104 for a violation of this chapter.

12 (6) The requirements of this subsection do not affect
13 the obligation of a custodian to immediately provide to the requestor any
14 responsive records not in active use or storage.

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16 /s/A. Clark
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