

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

4  
5 By: Senators A. Clark, J. Boyd  
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7 **For An Act To Be Entitled**

8 AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF  
9 1967; TO REQUIRE RECORDS CUSTODIANS TO RESPOND IN  
10 WRITING IN CERTAIN CIRCUMSTANCES UNDER THE FREEDOM OF  
11 INFORMATION ACT OF 1967; AND FOR OTHER PURPOSES.  
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14 **Subtitle**

15 TO REQUIRE RECORDS CUSTODIANS TO RESPOND  
16 IN WRITING IN CERTAIN CIRCUMSTANCES UNDER  
17 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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22 SECTION 1. Arkansas Code § 25-19-105(a)(3), concerning the manner in  
23 which a citizen may request public records under the Freedom of Information  
24 Act of 1967, is amended to read as follows:

25 (3) ~~If the person to whom the request is directed is not the~~  
26 ~~eustodian of the records, the person shall so notify the requester and~~  
27 ~~identify the custodian, if known to or readily ascertainable by the person.~~  
28 A custodian shall respond as follows in writing within the time period  
29 required under this section to a written request for public records:

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

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

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



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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19 **APPROVED: 4/13/23**  
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