

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 1520

5 By: Representatives L. Smith, Medley, Blount, E. Brown, Greenberg, Harrelson, Hyde, J. Johnson,
6 Lamoureux, Pyle, Rainey, Wood, Woods
7 By: Senators Capps, Madison
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For An Act To Be Entitled

11 AN ACT TO STRENGTHEN CITIZEN ACCESS TO PUBLIC
12 INFORMATION, PUBLIC RECORDS, AND PUBLIC MEETINGS
13 BY EFFECTIVE ENFORCEMENT OF THE ARKANSAS FREEDOM
14 OF INFORMATION ACT; AND FOR OTHER PURPOSES.
15

Subtitle

16 TO STRENGTHEN CITIZEN ACCESS TO PUBLIC
17 INFORMATION, PUBLIC RECORDS, AND PUBLIC
18 MEETINGS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 25-19-107 is amended to read as follows:
25 25-19-107. Appeal from denial of rights - Attorney's fees.

26 (a) Any citizen denied the rights granted to him or her by this
27 chapter may appeal immediately from the denial to the Pulaski County Circuit
28 Court or to the circuit court of the residence of the aggrieved party, if an
29 agency of the state is involved, or to any of the circuit courts of the
30 appropriate judicial districts when an agency of a county, municipality,
31 township, or school district, or a private organization supported by or
32 expending public funds, is involved.

33 (b) Upon written application of the person denied the rights provided
34 for in this chapter, or any interested party, it shall be mandatory upon the
35 circuit court having jurisdiction to fix and assess a day the petition is to
36 be heard within seven (7) days of the date of the application of the



1 petitioner, and to hear and determine the case.

2 (c) Those who refuse to comply with the orders of the court shall be
3 found guilty of contempt of court.

4 (d)(1) In any action to enforce the rights granted by this chapter, or
5 in any appeal therefrom, the court shall assess against the defendant
6 reasonable attorney's fees and other litigation expenses reasonably incurred
7 by a plaintiff who has substantially prevailed ~~unless the court finds that~~
8 ~~the position of the defendant was substantially justified or that other~~
9 ~~circumstances make an award of these expenses unjust. However, no expenses~~
10 ~~shall be assessed against the State of Arkansas or any of its agencies or~~
11 ~~departments~~ in the action.

12 (2) If the defendant has substantially prevailed in the action,
13 the court may assess expenses against the plaintiff only upon a finding that
14 the action was initiated primarily for frivolous or dilatory purposes.

15 (3) For purposes of subdivision (d)(1) of this section, the
16 State of Arkansas waives sovereign immunity under Arkansas Constitution,
17 Article 5, § 20.

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