

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4  
5 By: Representative Bell

# A Bill

HOUSE BILL 1054

## For An Act To Be Entitled

8 AN ACT TO PRESERVE THE INTEGRITY OF EXECUTIVE  
9 SESSIONS; TO ENSURE THAT CLOSED MEETINGS HELD BY  
10 PUBLIC ENTITIES ARE CONDUCTED LAWFULLY; TO AMEND  
11 SECTIONS OF THE FREEDOM OF INFORMATION ACT OF 1967;  
12 AND FOR OTHER PURPOSES.

## Subtitle

16 TO PRESERVE THE INTEGRITY OF EXECUTIVE  
17 SESSIONS; TO ENSURE THAT CLOSED MEETINGS  
18 HELD BY PUBLIC ENTITIES ARE CONDUCTED  
19 LAWFULLY; AND TO AMEND SECTIONS OF THE  
20 FREEDOM OF INFORMATION ACT OF 1967.

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

25 SECTION 1. Arkansas Code § 25-19-105(b), concerning exemptions from  
26 the public records requirements of the Freedom of Information Act of 1967, is  
27 amended to add an additional subdivision to read as follows:

28 (20) A recording of an executive session under § 25-19-106(d), a  
29 transcript of the recording, and unpublished memoranda, working papers, and  
30 correspondence of the prosecuting attorney and his or her designee concerning  
31 the review of a recording under § 25-19-106(d).

33 SECTION 2. Arkansas Code § 25-19-106, concerning open public meetings,  
34 is amended to add an additional subsection to read as follows:

35 (d)(1) A governing body, board, bureau, commission, or organization  
36 conducting an executive session shall:



1           (A) Record the executive session;

2           (B) Promptly provide a copy of the recording of the  
3 executive session to the prosecuting attorney in whose jurisdiction the  
4 executive session took place; and

5           (C) Retain a copy of the recording of the executive  
6 session for one (1) year.

7           (2)(A) The prosecuting attorney or his or her designee shall  
8 review a recording of an executive session to determine whether it was held  
9 in compliance with Arkansas law.

10           (B) A designee of the prosecuting attorney shall include a  
11 deputy prosecuting attorney, an individual so designated by the prosecuting  
12 attorney, or a local review panel under subdivision (d)(3) of this section.

13           (C) After reviewing a recording of an executive session, a  
14 designee of the prosecuting attorney under this subsection shall promptly  
15 report to the prosecuting attorney regarding whether the executive session  
16 was held in compliance with Arkansas law.

17           (D)(i) Unpublished memoranda, working papers, and  
18 correspondence of the prosecuting attorney and a designee under this  
19 subsection regarding the review of a recording of an executive session shall  
20 be confidential and exempt from disclosure under this subchapter.

21           (ii) A designee of the prosecuting attorney under  
22 this section knowingly disclosing confidential information, including without  
23 limitation a member of a local review panel, is guilty of a Class A  
24 misdemeanor and is not immune from civil liability for his or her action.

25           (E) The prosecuting attorney or his or her designee may  
26 erase or destroy a recording of an executive session after conducting the  
27 review required by this subsection.

28           (3)(A) The prosecuting attorney may appoint a local review panel  
29 to serve as his or her designee to review one (1) or more recordings of  
30 executive sessions provided under subdivision (d)(1) of this section.

31           (B) A local review panel shall consist of three (3) or  
32 five (5) persons chosen by the prosecuting attorney.

33           (C) Members of a local review panel shall serve at the  
34 pleasure of the prosecuting attorney.

35           (4) The prosecuting attorney may provide financial compensation  
36 to an individual or member of a local review panel designated under this

1 subsection.  
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