

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 380

5 By: Senators A. Clark, J. Boyd
6

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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Subtitle

14 TO REQUIRE RECORDS CUSTODIANS TO RESPOND
15 IN WRITING IN CERTAIN CIRCUMSTANCES UNDER
16 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 three (3) working days
29 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 fails to respond within three (3) days as
10 required under subdivision (a)(3), he or she shall be subject to the
11 penalties in § 25-19-104 for a violation of this chapter.