

1 HB761
2 141499-1
3 By Representative Grimsley
4 RFD: State Government
5 First Read: 26-APR-12

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8 SYNOPSIS: Under existing law, the Open Records Act
9 does not give a time limit for a government
10 official to respond to a citizen's request for a
11 public record or records.

12 This bill would give a time limit for a
13 government official to respond to a request of a
14 citizen regarding a public record or records.

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16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to the Open Records Act; to specify a time
21 limit for a government official to respond to a request of a
22 citizen regarding a public record or records.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) The government official in control of
25 a public record or records shall within 10 business days
26 determine whether the public record or records requested are
27 subject to access pursuant to Section 36-12-40 of the Code of

1 Alabama 1975. Once a determination has been made, within 15
2 days the requester shall be notified whether the public record
3 or records are available for inspection and copying.

4 (b) Any person, firm, corporation, or other entity
5 that fails to receive the requested public record or records
6 pursuant to subsection (a) within 30 business days may file an
7 action in the Circuit Court of Montgomery County seeking an
8 order to provide the public records.

9 (c) In any action brought to enforce this act in
10 which the court determines that either party acted without
11 substantial justification either in not complying with this
12 act or in instituting the litigation, the court, unless it
13 finds that special circumstances exist, shall assess in favor
14 of the complaining party reasonable attorney's fees and other
15 litigation costs reasonably incurred. Whether the position of
16 the complaining party was substantially justified shall be
17 determined on the basis of the record as a whole which is made
18 in the proceeding for which fees and other expenses are
19 sought.

20 (d) Any governmental official who provides access to
21 information in good faith reliance on the requirements of this
22 act shall not be liable in any action on account of having
23 provided access to the information.

24 Section 2. This act shall become effective on the
25 first day of the third month following its passage and
26 approval by the Governor, or its otherwise becoming law.