

2023 -- S 0420

LC001135

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO PUBLIC RECORDS -- ACCESS TO PUBLIC RECORDS

Introduced By: Senators DiPalma, Ciccone, Zurier, Euer, McKenney, Burke, F. Lombardi, Acosta, Goodwin, and Pearson

Date Introduced: February 16, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 38-2-1, 38-2-2, 38-2-3, 38-2-3.2, 38-2-3.16, 38-2-4, 38-2-7, 38-2-9,
2 38-2-14 and 38-2-15 of the General Laws in Chapter 38-2 entitled "Access to Public Records" are
3 hereby amended to read as follows:

4 **38-2-1. Purpose.**

5 The public's right to access to public records and the individual's right to dignity and
6 privacy are both recognized to be principles of the utmost importance in a free society. The purpose
7 of this chapter is to facilitate public access to public records. It is also the intent of this chapter to
8 protect from disclosure information about particular individuals maintained in the files of public
9 bodies when disclosure would constitute an unwarranted invasion of personal privacy [as specified](#)
10 [by the exemptions contained in this chapter.](#)

11 **38-2-2. Definitions.**

12 As used in this chapter:

13 (1) "Agency" or "public body" means any executive, legislative, judicial, regulatory, or
14 administrative body of the state, or any political subdivision thereof; including, but not limited to:
15 any department, division, agency, commission, board, office, bureau, authority; any school, fire, or
16 water district, or other agency of Rhode Island state or local government that exercises
17 governmental functions; any authority as defined in § 42-35-1(b); or any other public or private
18 agency, person, partnership, corporation, or business entity acting on behalf of and/or in place of
19 any public agency, [and shall also include the police department of any private educational](#)

1 [institution of higher learning employing any special police officers pursuant to § 12-2.1-1 or peace](#)
2 [officers as defined in § 12-7-21.](#)

3 (2) "Chief administrative officer" means the highest authority of the public body.

4 (3) "Public business" means any matter over which the public body has supervision,
5 control, jurisdiction, or advisory power.

6 (4) "Public record" or "public records" shall mean all documents, papers, letters, maps,
7 books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data
8 processing records, computer stored data (including electronic mail messages, ~~except specifically~~
9 ~~for any electronic mail messages of or to elected officials with or relating to those they represent~~
10 ~~and correspondence of or to elected officials in their official capacities~~), or other material regardless
11 of physical form or characteristics made or received pursuant to law or ordinance or in connection
12 with the transaction of official business by any agency. For the purposes of this chapter, [and subject](#)
13 [to the provisions of § 38-2-3\(b\)](#), the following records shall not be deemed public:

14 (A)(I)(a)(i) All ~~records relating to a client/attorney relationship and to a doctor/patient~~
15 ~~relationship, including all~~ medical [records and](#) information [protected by state or federal health care](#)
16 [confidentiality laws](#) relating to an individual in any files.

17 [\(ii\) All records protected by the attorney-client privilege.](#)

18 (b) Personnel and other personal individually identifiable records otherwise deemed
19 confidential by federal or state law or regulation, or the disclosure of which would constitute a
20 clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 et seq.; provided,
21 however, with respect to employees, and employees of contractors and subcontractors working on
22 public works projects that are required to be listed as certified payrolls, the name, gross salary,
23 salary range, total cost of paid fringe benefits, gross amount received in overtime, and any other
24 remuneration in addition to salary, job title, job description, dates of employment and positions
25 held with the state, municipality, or public works contractor or subcontractor on public works
26 projects, employment contract, work location, and/or project, business telephone number, the city
27 or town of residence, and date of termination shall be public. For the purposes of this section
28 "remuneration" shall include any payments received by an employee as a result of termination, or
29 otherwise leaving employment, including, but not limited to, payments for accrued sick and/or
30 vacation time, severance pay, or compensation paid pursuant to a contract buy-out provision. For
31 purposes of this section, the city or town residence shall not be deemed public for peace officers,
32 as defined in § 12-7-21, and shall not be released. [For purposes of this section, "employee" means](#)
33 [those individuals currently employed by a public body and those previously employed by a public](#)
34 [body.](#)

1 (II) Notwithstanding the provisions of this section, or any other provision of the general
2 laws to the contrary, the pension records of all persons who are either current or retired members
3 of any public retirement systems, as well as all persons who become members of those retirement
4 systems after June 17, 1991, shall be open for public inspection. "Pension records" as used in this
5 section, shall include all records containing information concerning pension and retirement benefits
6 of current and retired members of the retirement systems and future members of said systems,
7 including all records concerning retirement credits purchased and the ability of any member of the
8 retirement system to purchase retirement credits, but excluding all information regarding the
9 medical condition of any person and all information identifying the member's designated
10 beneficiary or beneficiaries unless and until the member's designated beneficiary or beneficiaries
11 have received or are receiving pension and/or retirement benefits through the retirement system.

12 (B) Trade secrets and commercial or financial information obtained from a person, firm,
13 or corporation that is of a privileged or confidential nature.

14 (C) Child custody and adoption records, records of illegitimate births, and records of
15 juvenile proceedings before the family court.

16 (D) All records maintained by law enforcement agencies for criminal law enforcement and
17 all records relating to the detection and investigation of crime, including those maintained on any
18 individual or compiled in the course of a criminal investigation by any law enforcement agency.
19 Provided, however, such records shall not be deemed public only to the extent that the disclosure
20 of the records or information (a) Could reasonably be expected to interfere with investigations of
21 criminal activity or with enforcement proceedings; (b) Would deprive a person of a right to a fair
22 trial or an impartial adjudication; (c) Could reasonably be expected to constitute an unwarranted
23 invasion of personal privacy; (d) Could reasonably be expected to disclose the identity of a
24 confidential source, including a state, local, or foreign agency or authority, or any private institution
25 that furnished information on a confidential basis, or the information furnished by a confidential
26 source; (e) Would disclose techniques and procedures for law enforcement investigations or
27 prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions; or
28 (f) Could reasonably be expected to endanger the life or physical safety of any individual. Records
29 relating to management and direction of a law enforcement agency and records or reports, including
30 the initial narrative report, reflecting the ~~initial~~ arrest of an adult and the charge or charges brought
31 against an adult shall be public. The "initial narrative report" means the written statement(s)
32 accompanying or supplementing the arrest report of an adult(s), recounting the arrest and the
33 incident(s) and/or circumstance(s) leading to the arrest, as prepared by the arresting or investigating
34 officer(s). A police report of an incident that does not lead to an arrest shall not be deemed

1 presumptively exempt from disclosure.

2 (I) Notwithstanding any other provision of law, any reports of investigations conducted by
3 internal affair units or their equivalent, regardless of how or by whom the investigation was
4 initiated, shall be public records; provided, however, names, addresses and other personal
5 identifiers may be redacted from the reports to the extent their disclosure would constitute a clearly
6 unwarranted invasion of personal privacy. The name and underlying activity of any law
7 enforcement officer who has been found to have engaged in misconduct that legally requires
8 prosecutorial disclosure to a criminal defendant shall be public. Provided, however, no personally
9 identifiable information shall be released to the extent its release would be in conflict with chapter
10 28.6 of title 42, the ("law enforcement officers' bill of rights").

11 (II) All police body-worn camera recordings shall be subject to this chapter; provided
12 further, however, any recordings of incidents involving police use of force shall be publicly
13 available within thirty (30) days in full or redacted form notwithstanding the presence of an ongoing
14 investigation into the incident.

15 (E) Any records that would not be available by law or rule of court to an opposing party in
16 litigation.

17 (F) Scientific and technological secrets and the security plans of military and law
18 enforcement agencies, the disclosure of which would endanger the public welfare and security.

19 (G) Any records that disclose the identity of the contributor of a bona fide and lawful
20 charitable contribution to the public body whenever public anonymity has been requested of the
21 public body with respect to the contribution by the contributor.

22 (H) Reports and statements of strategy or negotiation involving labor negotiations or
23 collective bargaining.

24 (I) Reports and statements of strategy or negotiation with respect to the investment or
25 borrowing of public funds, until such time as those transactions are entered into.

26 (J) Any minutes of a meeting of a public body that are not required to be disclosed pursuant
27 to chapter 46 of title 42.

28 (K) Preliminary drafts, notes, impressions, memoranda, working papers, and work
29 products, including those involving research at state institutions of higher education on commercial,
30 scientific, artistic, technical, or scholarly issues, whether in electronic or other format; ~~provided,~~
31 ~~however, any documents submitted at a public meeting of a public body shall be deemed public.~~

32 (L) Test questions, scoring keys, and other examination data used to administer a licensing
33 examination, examination for employment or promotion, or academic examinations; provided,
34 however, that a person shall have the right to review the results of his or her examination.

1 (M) Correspondence of or to elected officials with or relating to those they represent and
2 correspondence of or to elected officials ~~in their official capacities~~ that has no demonstrable
3 connection to the exercise of official acts or duties.

4 (N) The contents of real estate appraisals, engineering, or feasibility estimates and
5 evaluations made for or by an agency relative to the acquisition of property or to prospective public
6 supply and construction contracts, until such time as all of the property has been acquired or all
7 proceedings or transactions have been terminated or abandoned; provided the law of eminent
8 domain shall not be affected by this provision.

9 (O) All tax returns.

10 (P) All investigatory records of public bodies, with the exception of law enforcement
11 agencies, pertaining to possible violations of statute, rule, or regulation other than records of final
12 actions taken, provided that all records prior to formal notification of violations or noncompliance
13 shall not be deemed to be public, except upon a showing of good cause.

14 (Q) Records of individual test scores on professional certification and licensing
15 examinations; provided, however, that a person shall have the right to review the results of his or
16 her examination.

17 (R) Requests for advisory opinions until such time as the public body issues its opinion.

18 (S) Records, reports, opinions, information, and statements required to be kept confidential
19 by federal law or regulation or state law or rule of court; provided, that the public body shall cite
20 the law, regulation or rule relied upon in withholding any records under this exception.

21 (T) Judicial bodies are included in the definition only in respect to their administrative
22 function provided that records kept pursuant to the provisions of chapter 16 of title 8 are exempt
23 from the operation of this chapter.

24 (U) Library records that, by themselves or when examined with other public records, would
25 reveal the identity of the library user requesting, checking out, or using any library materials.

26 (V) Printouts from TELE — TEXT devices used by people who are deaf or hard of hearing
27 or speech impaired.

28 (W) All records received by the insurance division of the department of business regulation
29 from other states, either directly or through the National Association of Insurance Commissioners,
30 if those records are accorded confidential treatment in that state. Nothing contained in this title or
31 any other provision of law shall prevent or be construed as prohibiting the commissioner of
32 insurance from disclosing otherwise confidential information to the insurance department of this
33 or any other state or country, at any time, so long as the agency or office receiving the records
34 agrees in writing to hold it confidential in a manner consistent with the laws of this state.

1 (X) Credit card account numbers in the possession of state or local government are
2 confidential and shall not be deemed public records.

3 (Y) Any documentary material, answers to written interrogatories, or oral testimony
4 provided under any subpoena issued under § 9-1.1-6. Notwithstanding this provision and absent a
5 court order to the contrary, a subpoena issued by a governmental entity to a public body or a public
6 official regarding official business shall be a public record.

7 (Z) Any individually identifiable evaluations of public school employees made pursuant to
8 state or federal law or regulation.

9 (AA) All documents prepared by school districts intended to be used by school districts in
10 protecting the safety of their students from potential and actual threats.

11 (BB) The list of teachers terminated for good and just cause maintained by the department
12 of education pursuant to § 16-13-9.

13 **38-2-3. Right to inspect and copy records — Duty to maintain minutes of meetings —**
14 **Procedures for access.**

15 (a) Except as provided in § 38-2-2(4), all records ~~maintained or kept on file by~~ of any
16 public body, whether or not those records are required by any law or by any rule or regulation, and
17 regardless of physical location, shall be public records and every person or entity shall have the
18 right to inspect and/or copy those records at such reasonable time as may be determined by the
19 custodian thereof.

20 (b) Any reasonably segregable portion of a public record excluded by § 38-2-2(4),
21 including any record deemed confidential pursuant to any other state law, shall be available for
22 public inspection after the deletion of the information which is the basis of the exclusion. If an
23 entire document or record is deemed non-public, the public body shall state in writing that no
24 portion of the document or record contains reasonable segregable information that is releasable. In
25 withholding any document or any portion of a document, the public body shall identify each
26 document withheld; state the statutory exemption claimed; and explain how disclosure would
27 damage the interests protected by the claimed exemption.

28 (c) All documents to be discussed at an open meeting of a public body shall be posted or
29 linked with the electronic filing of the agenda submitted to the secretary of state pursuant to § 42-
30 46-6(f). Notwithstanding the provisions of § 38-2-2(4), any documents reviewed, considered, or
31 submitted at a public meeting of a public body shall be deemed public and made available upon
32 request to any member of the public present at the meeting.

33 (d) Each public body shall make, keep, and maintain written or recorded minutes of all
34 meetings.

1 ~~(d)~~(e) Each public body shall establish written procedures regarding access to public
2 records but shall not require written requests for public information available pursuant to § 42-35-
3 2 or for other documents prepared for or readily available to the public.

4 These procedures must include, but need not be limited to, the identification of a designated
5 public records officer or unit, how to make a public records request, and where a public record
6 request should be made, and a copy of these procedures shall be posted on the public body's website
7 if such a website is maintained and shall be made otherwise readily available to the public. ~~The~~
8 ~~unavailability of a designated public records officer shall not be deemed good cause for failure to~~
9 ~~timely comply with a request to inspect and/or copy public records pursuant to subsection (e).~~ A
10 link to the public body's procedures shall be prominently displayed on the home page of its website,
11 including a link to the appropriate webpage if the public body requires that requests be submitted
12 to another public body of the state or municipality. A written request for public records need not
13 be made on a form established by a public body if the request is otherwise readily identifiable as a
14 request for public records. The procedures shall allow requests for public records to be submitted
15 in person, by regular mail, fax and electronic mail.

16 (f) A requester's failure to follow the written procedures established by a public body shall
17 not, by itself, serve as a basis to fail to comply with a request for public records.

18 (g) If a request for records is sent to a public body other than through the designated public
19 records officer or unit, the recipient of the request shall be responsible for forwarding it to the
20 designated officer or unit. In such circumstances, the public body shall have an additional five (5)
21 days to respond to the request, notwithstanding the provisions of § 38-2-7.

22 ~~(e)~~(h) A public body receiving a request shall permit the inspection or copying within ten
23 (10) business days after receiving a request. If the inspection or copying is not permitted within ten
24 (10) business days, the public body shall forthwith explain in writing the need for additional time
25 to comply with the request. Any such explanation must be particularized to the specific request
26 made. In such cases the public body may have up to an additional twenty (20) business days to
27 comply with the request if it can demonstrate with specificity that the voluminous nature of the
28 request, the number of requests for records pending (in which case the number of pending requests
29 shall be cited in the response), or the difficulty in searching for and retrieving or copying the
30 requested records, is such that additional time is necessary to avoid imposing an undue burden on
31 the public body. The response times established by this subsection and § 38-2-3.2(a) may be waived
32 only with the explicit written consent of the requester.

33 (i) The unavailability of a designated public records officer shall not be deemed good cause
34 for failure to timely comply with a request to inspect and/or copy public records pursuant to

1 [subsection \(h\) of this section.](#)

2 ~~(j)~~ If a public record is in active use or in storage and, therefore, not available at the time
3 a person or entity requests access, the custodian shall so inform the person or entity and make an
4 appointment for the person or entity to examine such records as expeditiously as they may be made
5 available.

6 ~~(k)~~ Any person or entity requesting copies of public records may elect to obtain them in
7 any and all media in which the public agency is capable of providing them. Any public body which
8 maintains its records in a computer storage system shall provide any data properly identified in a
9 printout or other reasonable format, as requested, [including a format allowing the documents to be](#)
10 [searchable electronically where feasible.](#)

11 ~~(l)~~ Nothing in this section shall be construed as requiring a public body to reorganize,
12 consolidate, or compile data not maintained by the public body in the form requested at the time
13 the request to inspect the public records was made except to the extent that such records are in an
14 electronic format and the public body would not be unduly burdened in providing such data.

15 ~~(m)~~ Nothing in this section is intended to affect the public record status of information
16 merely because it is stored in a computer.

17 ~~(n)~~ No public records shall be withheld based on the purpose for which the records are
18 sought, nor shall a public body require, as a condition of fulfilling a public records request, that a
19 person or entity provide a reason for the request or provide personally identifiable information
20 about him/herself.

21 ~~(o)~~ At the election of the person or entity requesting the public records, the public body
22 shall provide copies of the public records electronically, by facsimile, or by mail in accordance
23 with the requesting person or entity's choice, unless complying with that preference would be
24 unduly burdensome due to the volume of records requested or the costs that would be incurred. The
25 person requesting delivery shall be responsible for the actual cost of delivery, if any.

26 [\(p\) Any contractual or other agreement entered into by a public body with a third party that](#)
27 [purports to keep records that are otherwise public under this chapter confidential shall be deemed](#)
28 [null and void; nor shall a public body delegate to a private party the determination as to what](#)
29 [information provided by that party is exempt from disclosure under this chapter.](#)

30 **38-2-3.2. Arrest logs.**

31 (a) Notwithstanding the provisions of § 38-2-3(e), the following information reflecting an
32 initial arrest of an adult and charge or charges shall be made available within forty-eight (48) hours
33 after receipt of a request unless a request is made on a weekend or holiday, in which event the
34 information shall be made available within seventy-two (72) hours, to the extent such information

1 is known by the public body:

- 2 (1) Full name of the arrested adult;
 - 3 (2) Home address of the arrested adult, unless doing so would identify a crime victim;
 - 4 (3) Year of birth of the arrested adult;
 - 5 (4) Charge or charges;
 - 6 (5) Date of the arrest;
 - 7 (6) Time of the arrest;
 - 8 (7) Gender of the arrested adult;
 - 9 (8) Race of the arrested adult; and
 - 10 (9) Name of the arresting officer, unless doing so would identify an undercover officer.
- 11 (b) The ~~provisions of this section shall apply to arrests made within five (5) days prior to~~
12 ~~the request~~ attorney general shall prepare a uniform log form for public bodies to use to facilitate
13 compliance with this section.

14 **38-2-3.16. Compliance by agencies and public bodies.**

15 Not later than January 1, 2013, and annually thereafter, the chief administrator of each
16 agency and each public body shall state in writing to the attorney general that all officers and
17 employees who have the authority to grant or deny persons or entities access to records under this
18 chapter have been provided orientation and training regarding this chapter. The attorney general
19 may, in accordance with the provisions of chapter 35 of title 42, promulgate rules and regulations
20 necessary to implement the requirements of this section, and shall annually post online a list of
21 those public bodies that have provided the statement required by this section, and those public
22 bodies that, having submitted a statement in any previous year, have failed to do so for the current
23 year.

24 **38-2-4. Cost.**

25 (a) Subject to the provisions of § 38-2-3, a public body must allow copies to be made or
26 provide copies of public records. The cost per copied page of written documents provided to the
27 public shall not exceed ~~fifteen cents (\$.15)~~ five cents (\$.05) per page for documents copyable on
28 common business or legal size paper. A public body may not charge more than the reasonable
29 actual cost for providing electronic records or retrieving records from storage where the public
30 body is assessed a retrieval fee.

31 (b) A reasonable charge may be made for the search or retrieval of documents. Hourly costs
32 for a search and retrieval shall not exceed fifteen dollars (\$15.00) per hour and no costs shall be
33 charged for the first ~~hour~~ two (2) hours of a search or retrieval. Notwithstanding the foregoing, no
34 charge shall be imposed for the redaction of documents, or for the denial of a request for records.

1 For the purposes of this subsection, multiple requests from any person or entity to the same public
2 body within a thirty (30) day time period shall be considered one request.

3 (c) Copies of documents shall be provided and the search and retrieval of documents
4 accomplished within a reasonable time after a request. A public body upon request, shall provide
5 an estimate of the costs of a request for documents prior to providing copies.

6 (d) Upon request, the public body shall provide a detailed itemization of the costs charged
7 for search and retrieval.

8 (e) A public body, the attorney general, and the court ~~may~~ shall reduce or waive the fees
9 for costs charged for search or retrieval if ~~it determines that~~ requested and the information requested
10 is in the public interest because it is likely to contribute significantly to public understanding of the
11 operations or activities of the government and is not primarily in the commercial interest of the
12 requester. Any denial of a request for a reduction or waiver of fees by a public body or the attorney
13 general may be challenged in accordance with the provisions of § 38-2-9 and shall be reviewed de
14 novo by the court.

15 **38-2-7. Denial of access.**

16 (a) Any denial of the right to inspect or copy records, in whole or in part provided for under
17 this chapter shall be made to the person or entity requesting the right in writing giving the specific
18 reasons for the denial within ten (10) business days of the request and indicating the procedures for
19 appealing the denial. Except for good cause shown, any reason not specifically set forth in the
20 denial shall be deemed waived by the public body.

21 (b) Failure to comply with a request to inspect or copy the public record within the ten (10)
22 business day period shall be deemed to be a denial. Except that for good cause shown, this limit
23 may be extended in accordance with the provisions of § ~~38-2-3(e)~~ 38-2-3(h). All copying and search
24 and retrieval fees shall be waived if a public body fails to produce requested records in a timely
25 manner; provided, however, that the production of records shall not be deemed untimely if the
26 public body is awaiting receipt of payment for costs properly charged under § 38-2-4.

27 (c) A public body that receives a request to inspect or copy records that do not exist or are
28 not within its custody or control shall, in responding to the request in accordance with this chapter,
29 state that it does not have or maintain the requested records.

30 **38-2-9. Jurisdiction of superior court.**

31 (a) Jurisdiction to hear and determine civil actions brought under this chapter is hereby
32 vested in the superior court.

33 (b) The court may examine any record which is the subject of a suit in camera to determine
34 whether the record or any part thereof may be withheld from public inspection under the terms of

1 this chapter.

2 (c) Actions brought under this chapter may be advanced on the calendar upon motion of
3 any party, or sua sponte by the court made in accordance with the rules of civil procedure of the
4 superior court.

5 (d) The court shall impose a civil fine not exceeding ~~two thousand dollars (\$2,000)~~ ten
6 thousand dollars (\$10,000) against a public body or official found to have committed a knowing
7 and willful violation of this chapter, and a civil fine not to exceed ~~one thousand dollars (\$1,000)~~
8 three thousand dollars (\$3,000) against a public body found to have recklessly violated this chapter
9 and shall award reasonable attorney fees and costs to the prevailing plaintiff. The court may also
10 impose a fine up to one hundred dollars (\$100) per day for each day that records were improperly
11 withheld, and may further award compensatory and punitive damages. The court shall further order
12 a public body found to have wrongfully denied access to public records to provide the records at
13 no cost to the prevailing party; provided, further, that in the event that the court, having found in
14 favor of the defendant, finds further that the plaintiff's case lacked a grounding in fact or in existing
15 law or in good faith argument for the extension, modification, or reversal of existing law, the court
16 may award attorney's fees and costs to the prevailing defendant. A judgment in the plaintiff's favor
17 shall not be a prerequisite to obtaining an award of attorney's fees and/or costs if the court
18 determines that the defendant's case lacked grounding in fact or in existing law or a good faith
19 argument for extension, modification or reversal of existing law.

20 **38-2-14. Information relating to settlement of legal claims.**

21 Settlement agreements of any legal claims against or by a governmental entity shall be
22 deemed public records.

23 **38-2-15. Reported violations.**

24 Every year the attorney general shall prepare a report summarizing all the complaints
25 received pursuant to this chapter, which shall be submitted to the legislature and which shall include
26 information as to how many complaints were found to be meritorious and the action taken by the
27 attorney general in response to those complaints. The attorney general shall publish on a keyword
28 searchable website the full text of all complaints and the action taken by the attorney general in
29 response to those complaints.

30 SECTION 2. Section 39-21.1-17 of the General Laws in Chapter 39-21.1 entitled "911
31 Emergency Telephone Number Act" is hereby amended to read as follows:

32 **39-21.1-17. Confidentiality of calls.**

33 (a) All telephone calls and telephone call transmissions, including electronic tax messages,
34 photos or videos, received pursuant to this chapter and all tapes containing records of telephone

1 calls shall remain confidential and used only for the purpose of handling emergency calls and for
2 public safety purposes as may be needed for law enforcement, fire, medical, rescue or other
3 emergency services. ~~The calls shall not be released to any other parties without the written consent~~
4 ~~of the caller whose voice is recorded, or upon order of the court.~~

5 (b) Notwithstanding subsection (a) of this section, calls shall be released to third parties:

6 (1) Upon good cause shown;

7 (2) Upon order of the court; or

8 (3) Upon request, to the individual placing the call; any individual who is heard on the call
9 communicating information to or for the emergency responder or operator; and the subject(s) of
10 the call who required emergency services or, if they are incapacitated or deceased, their next of kin.

11 SECTION 3. This act shall take effect upon passage.

12

=====
LC001135
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PUBLIC RECORDS -- ACCESS TO PUBLIC RECORDS

1 This act would include police departments of any private educational institute and peace
2 officers within the definition of "agency" or "public body" making them subject to the public
3 records requests. This act would further make an initial narrative report of a police officer and any
4 reports of investigations conducted by internal affair units public records. This act would also
5 increase the sanctions upon a public official who committed a knowing and willful violation to
6 comply with a request for public records from up to two thousand dollars (\$2,000) to ten thousand
7 dollars (\$10,000), and a fine of up to one thousand dollars (\$1,000) to three thousand dollars
8 (\$3,000) against a public body that recklessly violates a request for public records.

9 This act would take effect upon passage.

=====
LC001135
=====