

2012 -- S 2419 AS AMENDED

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LC01173
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO PUBLIC RECORDS - CUSTODY AND PROTECTION

Introduced By: Senators Ciccone, Walaska, McCaffrey, and Ruggerio

Date Introduced: February 15, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 38-1-1.1 of the General Laws in Chapter 38-1 entitled "Custody and
2 Protection" is hereby amended to read as follows:

3 **38-1-1.1. Definitions.** -- For the purpose of this chapter:

4 (1) "Agency" or "public body" shall mean any executive, legislative, judicial, regulatory,
5 administrative body of the state, or any political subdivision thereof; including, but not limited to,
6 any department, division, agency, commission, board, office, bureau, authority, any school, fire,
7 or water district, or other agency of Rhode Island state or local government which exercises
8 governmental functions, or any other public or private agency, person, partnership, corporation,
9 or business entity acting on behalf of any public agency or any public corporation as defined in
10 subdivision 35-20-5(4) of the general laws.

11 (2) "Public business" means any matter over which the public body has supervision,
12 control, jurisdiction, or advisory power.

13 (3) "Public record" or "public records" shall mean all documents, papers, letters, maps,
14 books, tapes, photographs, films, sound recordings, or other material regardless of physical form
15 or characteristics made or received pursuant to law or ordinance or in connection with the
16 transaction of official business by any agency.

17 (4) "Supervisor of the regulatory body" means the chief or head of a section having
18 enforcement responsibility for a particular statute or set of rules and regulations within a
19 regulatory agency.

1 SECTION 2. Section 38-3-2 of the General Laws in Chapter 38-3 entitled "Public
2 Records Administration" is hereby amended to read as follows:

3 **38-3-2. Definitions.** -- For the purpose of this chapter:

4 (1) "Agency" or "public body" shall mean any executive, legislative, judicial, regulatory,
5 administrative body of the state, or any political subdivision thereof; including, but not limited to,
6 any department, division, agency, commission, board, office, bureau, authority, any school, fire,
7 or water district, or other agency or quasi-public agency of state or local government which
8 exercises governmental functions, or any other public or private agency, person, partnership,
9 corporation, or business entity acting on behalf of any public agency.

10 (2) "Program" shall mean the public records administration program of the secretary of
11 state.

12 (3) "Public record" or "public records" shall mean all documents, papers, letters, maps,
13 books, tapes, photographs, films, sound recordings, or other material regardless of physical form
14 or characteristics made or received pursuant to law or ordinance or in connection with the
15 transaction of official business by any agency.

16 (4) "Public records repository" shall mean the establishment maintained by the program
17 for preservation of those public records determined by the program to have permanent value
18 warranting their continued preservation and which has been accepted by the program for transfer
19 to its custody.

20 (5) "Records center" shall mean an establishment maintained by the program for the
21 storage, processing, servicing, and security of public records that must be retained for varying
22 periods of time but need not be retained in an agency's office equipment or space.

23 (6) "Records control schedule" shall mean the document establishing the official
24 retention, maintenance, and disposal requirements for a series or type of record based on
25 administrative, legal, fiscal, and historical values for the scheduled records.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO PUBLIC RECORDS - CUSTODY AND PROTECTION

- 1 This act would amend the definition of “agency” or “public body” as defined in chapters
- 2 38-3 and 38-1 to include quasi-public agencies.
- 3 This act would take effect upon passage.

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