

2016 -- H 7952

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LC005414
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO PUBLIC RECORDS -- ACCESS

Introduced By: Representatives McKiernan, Ackerman, Carson, Palangio, and Almeida

Date Introduced: March 17, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 38-2-1 and 38-2-5 of the General Laws in Chapter 38-2 entitled
2 "Access to Public Records" are hereby amended to read as follows:

3 **38-2-1. Purpose.** -- The public's right to access to public records and the individual's
4 right to dignity and privacy are both recognized to be principles of the utmost importance in a
5 free society. The purpose of this chapter is to facilitate public access to public records, without
6 interfering with legislative oversight of programs funded by the legislature. It is also the intent of
7 this chapter to protect from disclosure information about particular individuals maintained in the
8 files of public bodies when disclosure would constitute an unwarranted invasion of personal
9 privacy.

10 **38-2-5. Effect of chapter on broader agency publication -- Existing rights -- Judicial**
11 **records and proceedings.** -- Nothing in this chapter shall be:

12 (1) Construed as preventing any public body from opening its records concerning the
13 administration of the body to public inspection;

14 (2) Construed as limiting the right of access as it existed prior to July 1, 1979, of an
15 individual who is the subject of a record to the information contained herein; or

16 (3) Deemed in any manner to affect the status of judicial records as they existed prior to
17 July 1, 1979, nor to affect the rights of litigants in either criminal or civil proceedings, including
18 parties to administrative proceedings, under the laws of discovery of this state.

19 (4) Construed to prevent the general assembly access to records necessary for responsible

1 oversight of programs included in the state budget including records in the possession of any
2 state, public, or quasi-public agency.

3 SECTION 2. Chapter 38-2 of the General Laws entitled "Access to Public Records" is
4 hereby amended by adding thereto the following section:

5 **38-2-2.1. Legislative access. -- (a) The speaker of the house of representatives and the**
6 **president of the senate, on behalf of the respective chambers, committees, or commissions, shall**
7 **have access to all records described in the following sections:**

8 (1) §38-2-2(A)(I)(a) as it pertains to items protected by the attorney-client privilege;

9 (2) §38-2-2(4)(B);

10 (3) §38-2-2(E);

11 (4) §38-2-2(H);

12 (5) §38-2-2(I);

13 (6) §38-2-2(J);

14 (7) §38-2-2(K);

15 (8) §38-2-2(N);

16 (9) §38-2-2(P); and

17 (10) §38-2-2(4).

18 (b) The goal of this section is to better enable the house of representatives and senate to
19 properly oversee state budget provisions, particularly concerning economic development
20 programs.

21 (c) Any record which is not otherwise a public record, shall not become a public record
22 by virtue of any request made pursuant to this section. Such requested records shall not be
23 publicly disclosed by the general assembly.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would grant the general assembly access to limited governmental records,
2 needed to exercise proper oversight over state budget programs, including economic development
3 programs.

4 This act would take effect upon passage.

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