

2019 -- H 5503

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO PUBLIC RECORDS -- ACCESS TO PUBLIC RECORDS

Introduced By: Representatives Newberry, Chippendale, Quattrocchi, Price, and
Roberts

Date Introduced: February 14, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 38-2-8 of the General Laws in Chapter 38-2 entitled "Access to
2 Public Records" is hereby amended to read as follows:

3 **38-2-8. Administrative appeals.**

4 (a) Any person or entity denied the right to inspect a record of a public body may petition
5 the chief administrative officer of that public body for a review of the determinations made by his
6 or her subordinate. The chief administrative officer shall make a final determination whether or
7 not to allow public inspection within ten (10) business days after the submission of the review
8 petition.

9 (b) If the custodian of the records or the chief administrative officer determines that the
10 record is not subject to public inspection, the person or entity seeking disclosure may file a
11 complaint with the attorney general. The attorney general shall investigate the complaint within
12 twenty (20) days of receipt thereof, and if the attorney general shall determine that the allegations
13 of the complaint are meritorious, he or she may institute proceedings for injunctive or declaratory
14 relief within twenty (20) days of receipt of the complaint, on behalf of the complainant in the
15 superior court of the county where the record is maintained. Nothing within this section shall
16 prohibit any individual or entity from retaining private counsel for the purpose of instituting
17 proceedings for injunctive or declaratory relief in the superior court of the county where the
18 record is maintained.

19 (c) The attorney general shall consider all complaints filed under this chapter to have also

1 been filed pursuant to the provisions of § 42-46-8(a), if applicable.

2 (d) Nothing within this section shall prohibit the attorney general from initiating a
3 complaint on behalf of the public interest.

4 SECTION 2. 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 require that the attorney general's office respond to complaints prohibiting
2 public access to public records within twenty (20) days and would proceed as necessary within
3 that timeframe.

4 This act would take effect upon passage.

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