

Stricken language would be deleted from and underlined language would be added to present law.  
Act 310 of the Regular Session

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

As Engrossed: S2/1/21 S2/8/21  
**A Bill**

SENATE BILL 194

By: Senator D. Sullivan  
By: Representative Milligan

**For An Act To Be Entitled**

AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF  
1967; TO ALLOW THE PHOTOGRAPHING OF PUBLIC RECORDS;  
AND FOR OTHER PURPOSES.

**Subtitle**

TO AMEND THE FREEDOM OF INFORMATION ACT  
OF 1967; AND TO ALLOW THE PHOTOGRAPHING  
OF PUBLIC RECORDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. The purpose of this act is to clarify that the term "copy" used in the Freedom of Information Act of 1967, § 25-19-101 et seq., includes the ability of a citizen to capture still and moving images through image capture, including still and moving photography and video and digital recording.

SECTION 2. Arkansas Code § 25-19-105(a)(1) and (2), concerning the examination and copying of public records under the Freedom of Information Act of 1967, are amended to read as follows:

(a)(1)(A) Except as otherwise specifically provided by this section or by laws specifically enacted to provide otherwise, all public records shall be open to inspection and copying, including without limitation copying through image capture, including still and moving photography and video and digital recording, by any citizen of the State of Arkansas during the regular business hours of the custodian of the records.



(B) However, access to inspect and copy, including without limitation copying through image capture, including still and moving photography and video and digital recording, public records shall be denied to:

(i) A person who at the time of the request has pleaded guilty to or been found guilty of a felony and is incarcerated in a correctional facility; and

(ii) The representative of a person under subdivision (a)(1)(B)(i) of this section unless the representative is the person's attorney who is requesting information that is subject to disclosure under this section.

(2)(A) A citizen may make a request to the custodian to inspect, copy, including without limitation through image capture, including still and moving photography and video and digital recording, or receive copies of public records.

(B) The request may be made in person, by telephone, by mail, by facsimile transmission, by electronic mail, or by other electronic means provided by the custodian.

(C) The request shall be sufficiently specific to enable the custodian to locate the records with reasonable effort.

SECTION 3. Arkansas Code § 25-19-105(d)(1), concerning the access to public records for examination and copying under the Freedom of Information Act of 1967, is amended to read as follows:

(d)(1) Reasonable access to public records and reasonable comforts and facilities for the full exercise of the right to inspect and copy, including without limitation copying through image capture, including still and moving photography and video and digital recording, those records shall not be denied to any citizen.

SECTION 4. Arkansas Code § 25-19-105(d)(3)(A), concerning the fee for examination and copying of public records under the Freedom of Information Act of 1967, is amended to add an additional subdivision to read as follows:

(v) Except as provided in § 25-19-109, the custodian may not charge a fee for the requestor's inspection or copying, including without limitation copying through image capture, including still and moving

photography and video and digital recording, of public records.

SECTION 5. Arkansas Code § 25-19-105(f)(4), concerning the denial of the right of examination and copying of public records under the Freedom of Information Act of 1967, is amended to read as follows:

(4) If it is necessary to separate exempt from nonexempt information in order to permit a citizen to inspect, copy, including without limitation copying through image capture, including still and moving photography and video and digital recording, or obtain copies of public records, the custodian shall bear the cost of the separation.

*/s/D. Sullivan*

**APPROVED: 3/9/21**