

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1458

4 By: Representatives DeLay and Courtway

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 25-19-107 TO REQUIRE THE
9 ARKANSAS SUPREME COURT TO RENDER A DECISION IN A CASE
10 FILED PURSUANT TO THE ARKANSAS FREEDOM OF INFORMATION ACT
11 WITHIN THIRTY (30) DAYS AFTER APPELLATE BRIEFS ARE FILED;
12 AND FOR OTHER PURPOSES."

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Subtitle

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15 "TO REQUIRE THE SUPREME COURT TO RENDER
16 A DECISION IN A FREEDOM OF INFORMATION
17 ACT CASE WITHIN 30 DAYS AFTER BRIEFS ARE
18 FILED."

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

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22 SECTION 1. Arkansas Code 25-19-107 is amended to read as follows:
23 "25-19-107. Appeal from denial of rights - Attorney fees.

24 (a) Any citizen denied the rights granted to him by this chapter may
25 appeal immediately from the denial to the Pulaski County Circuit Court or to
26 the circuit court of the residence of the aggrieved party, if an agency of
27 the state is involved, or to any of the circuit courts of the appropriate
28 judicial districts when an agency of a county, municipality, township, or
29 school district, or a private organization supported by or expending public
30 funds, is involved.

31 (b) Upon written application of the person denied the rights provided
32 for in this chapter, or any interested party, it shall be mandatory upon the
33 circuit court having jurisdiction to fix and assess a day the petition is to
34 be heard within seven (7) days of the date of the application of the
35 petitioner, and to hear and determine the case.

1 (c) Those who refuse to comply with the orders of the court shall be
2 found guilty of contempt of court.

3 (d) In any action to enforce the rights granted by this chapter, or in
4 any appeal therefrom, the court shall assess against the defendant reasonable
5 attorney fees and other litigation expenses reasonably incurred by a
6 plaintiff who has substantially prevailed unless the court finds that the
7 position of the defendant was substantially justified or that other
8 circumstances make an award of these expenses unjust. However, no expenses
9 shall be assessed against the State of Arkansas or any of its agencies or
10 departments. If the defendant has substantially prevailed in the action, the
11 court may assess expenses against the plaintiff only upon a finding that the
12 action was initiated primarily for frivolous or dilatory purposes.

13 (e) The Supreme Court of Arkansas and the Arkansas Court of Appeals
14 shall render a decision in a case filed pursuant to the Freedom of
15 Information Act, Arkansas Code 25-19-101, et seq., within thirty (30) days
16 after the parties have filed appellate briefs."

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18 SECTION 2. All provisions of this act of a general and permanent
19 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
20 Code Revision Commission shall incorporate the same in the Code.

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22 SECTION 3. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.

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28 SECTION 4. All laws and parts of laws in conflict with this act are
29 hereby repealed.

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