

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

SENATE BILL 182

By: Senator D. Sullivan

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING PUBLIC RECORDING  
AND DELETION OF ELECTRONIC DATA; AND FOR OTHER  
PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING PUBLIC  
RECORDING AND DELETION OF ELECTRONIC  
DATA.

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

SECTION 1. Arkansas Code § 21-1-106(d), concerning the exemption from the law that requires a public official to allow a person or persons to film or record certain events, is repealed.

(d) A publicly funded school or publicly funded institution ~~of higher education is exempt from this section~~ may only prohibit video recording.

SECTION 2. Arkansas Code § 21-1-106, concerning the public recording and deletion of electronic data, is amended to add additional subsections to read as follows:

(h) A person who recklessly violates this section is upon conviction guilty of a Class A misdemeanor.

(i)(1) A person who believes his or her rights have been adversely affected under this section may bring a civil action in circuit court to:

(A) Enjoin a violation of this section;

(B) Recover civil penalties from a public officer or employee who lacks immunity; and



(C) Recover reasonable court costs and attorney's fees.

(2) In an action brought under this subsection, if the circuit court finds that a violation occurred, the circuit court shall award:

(A) Injunctive relief;

(B) Court costs and attorney's fees; and

(C) Civil penalties against a public officer or employee who lacks immunity in the amount of one thousand dollars (\$1,000) per violation.

(j)(1) Notwithstanding subsection (i) of this section, the circuit court shall not assess penalties or reasonable attorney's fees or other litigation expenses reasonably incurred by a plaintiff against a public officer or employee with immunity, the State of Arkansas, or a department, agency, or institution of the state.

(2)(A) A plaintiff who substantially prevails in an action under this section against a public officer or employee with immunity, the State of Arkansas, or a department, agency, or institution of the state may file a claim with the Arkansas State Claims Commission to recover reasonable attorney's fees and other litigation expenses reasonably incurred.

(B) A claim for reasonable attorney's fees and litigation expenses reasonably incurred in an action against a public officer or employee with immunity, the State of Arkansas, or a department, agency, or institution of the state shall be filed with the commission under § 19-10-201 et seq. within sixty (60) days of the final disposition of an action under this section.