

State of Arkansas
94th General Assembly
First Extraordinary Session, 2023

A Bill

Call Item 4
SENATE BILL 10

By: Senators Hester, J. Boyd, J. Bryant, Caldwell, Crowell, B. Davis, Dees, J. Dismang, J. Dotson, J. English, Flippo, Gilmore, K. Hammer, Hickey, Hill, Irvin, B. Johnson, M. McKee, C. Penzo, J. Petty, Rice, Stone, G. Stubblefield, D. Sullivan, D. Wallace
By: Representative Ray

For An Act To Be Entitled

AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF 1967; TO MAKE CERTAIN SECURITY-RELATED RECORDS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT OF 1967; TO REQUIRE THAT THE DIVISION OF ARKANSAS STATE POLICE PROVIDE TO THE LEGISLATIVE COUNCIL QUARTERLY REPORTS IDENTIFYING CERTAIN EXPENSES DESIGNATED BY MONTH AND BUDGET CATEGORY; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE FREEDOM OF INFORMATION ACT OF 1967; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 12-8-108(c), concerning information related to the security of the Governor's Mansion and mansion grounds that is not subject to disclosure under the Freedom of Information Act of 1967, is amended to read as follows:

(c) Data, records, communications, surveillance footage, security procedures, emergency plans, and other information compiled or possessed by the division concerning the ~~Governor's Mansion and mansion grounds~~ duties performed by the division as required under subsection (a) of this section are confidential and not subject to disclosure under the Freedom of



Information Act of 1967, § 25-19-101 et seq.

SECTION 2. Arkansas Code § 12-8-108, concerning the security of the Governor, Governor's Mansion, and State Capitol building and grounds provided by the Division of Arkansas State Police, is amended to add an additional subsection to read as follows:

(d)(1) Except as provided under subdivision (d)(2) of this section, the division shall submit to the Legislative Council, or to the Joint Budget Committee if the General Assembly is in session, a report on a quarterly basis that identifies by month and budget category the expenses incurred by the Executive Protection Detail for services provided to the Governor.

(2) However, the division shall not include information in the quarterly report required under subdivision (d)(1) of this section if it violates subsection (a) of this section.

SECTION 3. Arkansas Code § 25-19-105(b), concerning specific exemptions to the requirements under the Freedom of Information Act of 1967, is amended to add an additional subdivision to read as follows:

(28) Records that reflect the planning or provision of security services provided to the:

(A) Governor; or

(B) Lieutenant Governor, Attorney General, Secretary of State, Auditor of State, Treasurer of State, Commissioner of State Lands, members of the General Assembly, Justices of the Supreme Court, or Judges of the Court of Appeals.

SECTION 4. RETROACTIVITY.

(a) Section 1 of this act is retroactive to June 1, 2022.

(b) Arkansas Code § 25-19-105(b)(28)(A), created in Section 3 of this act, is retroactive to June 1, 2022.

SECTION 5. DO NOT CODIFY.

This act does not limit the ability of Arkansas Legislative Audit to report information it obtains to the Arkansas General Assembly.

SECTION 6. EMERGENCY CLAUSE. It is found and determined by the

General Assembly of the State of Arkansas that the safety and security of the Governor and other state constitutional officers is of paramount importance to the peace, health, and safety of individuals in the State of Arkansas; that recent threats to certain state constitutional officers and their families illustrate the need for enhanced protection of records pertaining to the security of certain state constitutional officers and their families in order to protect the public peace, health, and safety; that in order to ensure the continuity of state operations and preserve the secure nature of services provided to the Governor and other state constitutional officers, certain records concerning the safety and protection of the Governor and other state constitutional officers must be confidential; that this act is immediately necessary because making public certain records regarding the safety and security of the Governor and other state constitutional officers would place the lives and security of the Governor and other state constitutional officers at a greater risk, thereby risking the peace, health, and safety afforded to Arkansans. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.