

1 HB528
2 166930-3
3 By Representative Scott
4 RFD: Judiciary
5 First Read: 21-APR-15

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8 SYNOPSIS: Under existing law, a public officer has a
9 duty to produce a public writing to which a citizen
10 has a right to inspect.

11 This bill would personally subject a public
12 officer to civil penalties when he or she refuses
13 to produce a public writing or document upon an
14 order from a court of competent jurisdiction.

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16 A BILL
17 TO BE ENTITLED
18 AN ACT
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20 To amend Section 36-12-41 of the Code of Alabama
21 1975, relating to public officers providing certified copies
22 of public writings; to personally subject a public officer to
23 civil penalties for not producing the public writing or
24 document under certain conditions.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 36-12-41 of the Code of Alabama
27 1975, is amended to read as follows:

1 "§36-12-41.

2 "(a) Every public officer having the custody of a
3 public writing which a citizen has a right to inspect is bound
4 to give him, on demand, a certified copy of it, on payment of
5 the legal fees therefor, and such copy is admissible as
6 evidence in like cases and with like effect as the original
7 writing.

8 "(b) Any public officer who refuses to release or
9 provide any public writing or document upon an order from a
10 court of competent jurisdiction, in addition to any contempt
11 powers of the court, shall be personally subject to civil
12 penalties in the amount of one hundred dollars (\$100) for each
13 day that the public officer refuses to release or provide the
14 public writing as ordered by the court."

15 Section 2. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.