

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4  
5 By: Senator D. Sullivan

# A Bill

SENATE BILL 182

## For An Act To Be Entitled

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

### Subtitle

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

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

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23 or record certain events, is repealed.

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

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

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

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

34 (A) Enjoin a violation of this section;

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



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

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

4                   (A) Injunctive relief;

5                   (B) Court costs and attorney’s fees; and

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

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

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

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

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