

1 State of Arkansas As Engrossed: S2/1/21 S3/15/21

2 93rd General Assembly

# A Bill

3 Regular Session, 2021

SENATE BILL 196

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5 By: Senators D. Sullivan, C. Tucker

6 By: Representative Milligan

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## For An Act To Be Entitled

9 AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF  
10 1967; TO AMEND THE AWARDING OF ATTORNEYS FEES UNDER  
11 THE FREEDOM OF INFORMATION ACT OF 1967; AND FOR OTHER  
12 PURPOSES.

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### Subtitle

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17 TO AMEND THE FREEDOM OF INFORMATION ACT  
18 OF 1967; AND TO AMEND THE AWARDING OF  
19 ATTORNEYS FEES UNDER THE FREEDOM OF  
20 INFORMATION ACT OF 1967.

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

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*SECTION 1. DO NOT CODIFY. This act shall not be construed to have any effect either way on a claim filed before the effective date of this act.*

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SECTION 2. Arkansas Code § 25-19-107(d)(1), concerning the right to appeal a denial of rights under the Freedom of Information Act of 1967 and the awarding of attorney's fees, is amended to read as follows:

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(d)(1) In any action to enforce the rights granted by this chapter, or in any appeal therefrom, the court shall assess against the defendant reasonable attorney's fees and other litigation expenses reasonably incurred by a plaintiff who ~~has substantially prevailed,~~ after filing suit, has obtained from the defendant a significant or material portion of the public information he or she requested, unless the court finds that the position of the defendant was substantially justified.

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*/s/D. Sullivan*