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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO PUBLIC RECORDS -- ACCESS TO PUBLIC RECORDS

Introduced By: Representatives Serpa, Solomon, Phillips, J. Brien, Corvese, Edwards,  
Hull, Knight, Ackerman, and Newberry

Date Introduced: January 11, 2024

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 38-2-1, 38-2-2, 38-2-3, 38-2-3.2, 38-2-3.16, 38-2-4, 38-2-7, 38-2-9,  
2   38-2-14 and 38-2-15 of the General Laws in Chapter 38-2 entitled "Access to Public Records" are  
3   hereby amended to read as follows:

4           **38-2-1. Purpose.**

5           The public's right to access to public records and the individual's right to dignity and  
6   privacy are both recognized to be principles of the utmost importance in a free society. The purpose  
7   of this chapter is to facilitate public access to public records. It is also the intent of this chapter to  
8   protect from disclosure information about particular individuals maintained in the files of public  
9   bodies when disclosure would constitute an unwarranted invasion of personal privacy, [as specified](#)  
10 [by the exemptions contained in this chapter.](#)

11           **38-2-2. Definitions.**

12           As used in this chapter:

13           (1) "Agency" or "public body" means any executive, legislative, judicial, regulatory, or  
14   administrative body of the state, or any political subdivision thereof; including, but not limited to:  
15   any department, division, agency, commission, board, office, bureau, authority; any school, fire, or  
16   water district, or other agency of Rhode Island state or local government that exercises  
17   governmental functions; any authority as defined in § 42-35-1(b); or any other public or private  
18   agency, person, partnership, corporation, or business entity acting on behalf of and/or in place of  
19   any public agency, [and shall also include the police department of any educational institution of](#)

1 [higher learning employing any special police officers pursuant to § 12-2.1-1 or peace officers, as](#)  
2 [defined in § 12-7-21.](#)

3 (2) “Chief administrative officer” means the highest authority of the public body.

4 (3) “Public business” means any matter over which the public body has supervision,  
5 control, jurisdiction, or advisory power.

6 (4) “Public record” or “public records” shall mean all documents, papers, letters, maps,  
7 books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data  
8 processing records, computer stored data (including electronic mail messages, except ~~specifically~~  
9 ~~for any electronic mail messages of or to elected officials with or relating to those they represent~~  
10 ~~and correspondence of or to elected officials in their official capacities~~ [as otherwise exempt under](#)  
11 [this chapter](#)), or other material regardless of physical form or characteristics made or received  
12 pursuant to law or ordinance or in connection with the transaction of official business by any  
13 agency. For the purposes of this chapter, [and subject to the provisions of § 38-2-3\(b\)](#), the following  
14 records shall not be deemed public:

15 (A)(I)(a)(i) All ~~records relating to a client/attorney relationship and to a doctor/patient~~  
16 ~~relationship, including all~~ medical [records and](#) information [protected by state or federal healthcare](#)  
17 [confidentiality laws](#) relating to an individual in any files.

18 (ii) [All records protected by the attorney-client privilege or attorney work product](#)  
19 [privilege.](#)

20 (b) Personnel and other personal individually identifiable records otherwise deemed  
21 confidential by ~~federal or~~ state law or [by federal law or](#) regulation, or the disclosure of which would  
22 constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 et seq.;

23 provided, however, with respect to employees, and employees of contractors and subcontractors  
24 working on public works projects that are required to be listed as certified payrolls, the name, gross  
25 salary, salary range, total cost of paid fringe benefits, gross amount received in overtime, and any  
26 other remuneration in addition to salary, job title, job description, dates of employment and  
27 positions held with the state, municipality, or public works contractor or subcontractor on public  
28 works projects, employment contract, work location, and/or project, business telephone number,  
29 the city or town of residence, and date of termination shall be public. For the purposes of this section  
30 “remuneration” shall include any payments received by an employee as a result of termination, or  
31 otherwise leaving employment, including, but not limited to, payments for accrued sick and/or  
32 vacation time, severance pay, or compensation paid pursuant to a contract buy-out provision. For  
33 purposes of this section, the city or town residence shall not be deemed public for peace officers,  
34 as defined in § 12-7-21, and shall not be released. [For purposes of this section, "employee" means](#)

1 [those individuals currently employed by a public body and those previously employed by a public](#)  
2 [body.](#)

3 (II) Notwithstanding the provisions of this section, or any other provision of the general  
4 laws to the contrary, the pension records of all persons who are either current or retired members  
5 of any public retirement systems, as well as all persons who become members of those retirement  
6 systems after June 17, 1991, shall be open for public inspection. "Pension records" as used in this  
7 section, shall include all records containing information concerning pension and retirement benefits  
8 of current and retired members of the retirement systems and future members of said systems,  
9 including all records concerning retirement credits purchased and the ability of any member of the  
10 retirement system to purchase retirement credits, but excluding all information regarding the  
11 medical condition of any person and all information identifying the member's designated  
12 beneficiary or beneficiaries unless and until the member's designated beneficiary or beneficiaries  
13 have received or are receiving pension and/or retirement benefits through the retirement system.

14 (B) Trade secrets and commercial or financial information obtained from a person, firm,  
15 or corporation that is of a privileged or confidential nature.

16 (C) Child custody and adoption records, records of illegitimate births, and records of  
17 juvenile proceedings before the family court.

18 (D) All records maintained by law enforcement agencies for criminal law enforcement and  
19 all records relating to the detection and investigation of crime, including those maintained on any  
20 individual or compiled in the course of a criminal investigation by any law enforcement agency.  
21 Provided, however, such records shall not be deemed public only to the extent that the disclosure  
22 of the records or information (a) Could reasonably be expected to interfere with investigations of  
23 criminal activity or with enforcement proceedings; (b) Would deprive a person of a right to a fair  
24 trial or an impartial adjudication; (c) Could reasonably be expected to constitute an unwarranted  
25 invasion of personal privacy; (d) Could reasonably be expected to disclose the identity of a  
26 confidential source, including a state, local, or foreign agency or authority, or any private institution  
27 that furnished information on a confidential basis, or the information furnished by a confidential  
28 source; (e) Would disclose techniques and procedures for law enforcement investigations or  
29 prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions; or  
30 (f) Could reasonably be expected to endanger the life or physical safety of any individual. Records  
31 relating to management and direction of a law enforcement agency and records or reports reflecting  
32 [and describing](#) the initial arrest of an adult and the charge or charges brought against an adult shall  
33 be public. [A police report of an incident that does not lead to an arrest shall not be deemed](#)  
34 [presumptively exempt from disclosure.](#)

1           (I) Notwithstanding any other provision of law, any final reports of investigations  
2 conducted by internal affair units or their equivalent, regardless of how or by whom the  
3 investigation was initiated, shall be public records; provided, however, names addresses and other  
4 personal identifiers may be redacted from the reports to the extent their disclosure would constitute  
5 a clearly unwarranted invasion of personal privacy. The name and underlying activity of any law  
6 enforcement officer who has been found to have engaged in misconduct that has required  
7 prosecutorial disclosure to a criminal defendant shall be public. Provided, however, no personally  
8 identifiable information shall be released to the extent its release would be in conflict with chapter  
9 28.6 or title 42 (the "law enforcement officers' bill of rights").

10           (II) All police body-worn camera recordings shall be subject to this chapter; provided,  
11 however, any recordings of incidents involving police use of force in which an investigation is  
12 ongoing shall be made available within thirty (30) days of a request in full or redacted form.  
13 Notwithstanding the foregoing, a law enforcement agency may petition the superior court for a  
14 twenty (20) day extension if it can demonstrate that release within the thirty (30) day period would  
15 substantially interfere with completion of its investigation.

16           (E) Any records that would not be available by law or rule of court to an opposing party in  
17 litigation.

18           (F) Scientific and technological secrets and the security plans of military and law  
19 enforcement agencies, the disclosure of which would endanger the public welfare and security.

20           (G) Any records that disclose the identity of the contributor of a bona fide and lawful  
21 charitable contribution to the public body whenever public anonymity has been requested of the  
22 public body with respect to the contribution by the contributor.

23           (H) Reports and statements of strategy or negotiation involving labor negotiations or  
24 collective bargaining.

25           (I) Reports and statements of strategy or negotiation with respect to the investment or  
26 borrowing of public funds, until such time as those transactions are entered into.

27           (J) Any minutes of a meeting of a public body that are not required to be disclosed pursuant  
28 to chapter 46 of title 42.

29           (K) Preliminary drafts, notes, impressions, memoranda, working papers, and work  
30 products, including those involving research at state institutions of higher education on commercial,  
31 scientific, artistic, technical, or scholarly issues, whether in electronic or other format; ~~provided,~~  
32 ~~however, any documents submitted at a public meeting of a public body shall be deemed public.~~

33           (L) Test questions, scoring keys, and other examination data used to administer a licensing  
34 examination, examination for employment or promotion, or academic examinations; provided,

1 however, that a person shall have the right to review the results of his or her examination.

2 (M) Correspondence of or to elected officials with or relating to those they represent, and  
3 correspondence of or to elected officials ~~in their official capacities~~ that has no demonstrable  
4 connection to the exercise of official acts or duties.

5 (N) The contents of real estate appraisals, engineering, or feasibility estimates and  
6 evaluations made for or by an agency relative to the acquisition of property or to prospective public  
7 supply and construction contracts, until such time as all of the property has been acquired or all  
8 proceedings or transactions have been terminated or abandoned; provided the law of eminent  
9 domain shall not be affected by this provision.

10 (O) All tax returns.

11 (P) All investigatory records of public bodies, with the exception of law enforcement  
12 agencies, pertaining to possible violations of statute, rule, or regulation other than records of final  
13 actions taken, provided that all records prior to formal notification of violations or noncompliance  
14 shall not be deemed to be public, except that, upon good cause shown, such records may be released  
15 upon the completion of formal notification.

16 (Q) Records of individual test scores on professional certification and licensing  
17 examinations; provided, however, that a person shall have the right to review the results of his or  
18 her examination.

19 (R) Requests for advisory opinions until such time as the public body issues its opinion.

20 (S) Records, reports, opinions, information, and statements required to be kept confidential  
21 by federal law or regulation or state law or rule of court; provided that, the public body shall provide  
22 a citation to the law, regulation or rule relied upon in withholding any records under this exception.

23 (T) Judicial bodies are included in the definition only in respect to their administrative  
24 function provided that records kept pursuant to the provisions of chapter 16 of title 8 are exempt  
25 from the operation of this chapter.

26 (U) Library records that, by themselves or when examined with other public records, would  
27 reveal the identity of the library user requesting, checking out, or using any library materials.

28 (V) Printouts from TELE — TEXT devices used by people who are deaf or hard of hearing  
29 or speech impaired.

30 (W) All records received by the insurance division of the department of business regulation  
31 from other states, either directly or through the National Association of Insurance Commissioners,  
32 if those records are accorded confidential treatment in that state. Nothing contained in this title or  
33 any other provision of law shall prevent or be construed as prohibiting the commissioner of  
34 insurance from disclosing otherwise confidential information to the insurance department of this

1 or any other state or country, at any time, so long as the agency or office receiving the records  
2 agrees in writing to hold it confidential in a manner consistent with the laws of this state.

3 (X) Credit card account numbers in the possession of state or local government are  
4 confidential and shall not be deemed public records.

5 (Y) Any documentary material, answers to written interrogatories, or oral testimony  
6 provided under any subpoena issued under § 9-1.1-6. Notwithstanding this provision and absent a  
7 court order to the contrary, a subpoena issued by a governmental entity to a public body or a public  
8 official regarding official business shall be public record.

9 (Z) Any individually identifiable evaluations of public school employees made pursuant to  
10 state or federal law or regulation.

11 (AA) All documents prepared by school districts intended to be used by school districts in  
12 protecting the safety of their students from potential and actual threats.

13 (BB) The list of teachers terminated for good and just cause maintained by the department  
14 of education pursuant to § 16-13-9.

15 **38-2-3. Right to inspect and copy records — Duty to maintain minutes of meetings —**

16 **Procedures for access.**

17 (a) Except as provided in § 38-2-2(4), all records maintained or ~~kept on file by~~ stored by  
18 or for any public body, whether or not those records are required by any law or by any rule or  
19 regulation, and regardless of physical location, shall be public records and every person or entity  
20 shall have the right to inspect and/or copy those records at such reasonable time as may be  
21 determined by the custodian thereof.

22 (b) Any reasonably segregable portion of a public record excluded by § 38-2-2(4),  
23 including the reasonably segregable portion of any record deemed confidential pursuant to any  
24 other state law, shall be available for public inspection after the deletion of the information which  
25 is the basis of the exclusion. If an entire document or record is deemed non-public, the public body  
26 shall state in writing that no portion of the document or record contains reasonable segregable  
27 information that is releasable. In withholding any document or any portion of a document, the  
28 public body shall identify the amount of information withheld and the exemption under which it  
29 was withheld, and in the case of redactions, the exemption under which any redaction is made shall  
30 be indicated on the released portion of the record or shall be clearly delineated in a privilege log  
31 that reasonably apprises the requester of the specific basis for the redaction of any particular  
32 document.

33 (c) All documents to be discussed at an open meeting of a public body shall be posted or  
34 linked with the electronic filing of the agenda submitted to the secretary of state pursuant to § 42-

1 [46-6\(f\). Notwithstanding the provisions of § 38-2-2\(4\), any documents reviewed, considered, or](#)  
2 [submitted at a public meeting of a public body shall be deemed public and shall also be made](#)  
3 [available upon request to any member of the public present at the meeting.](#)

4 ~~(e)~~(d) Each public body shall make, keep, and maintain written or recorded minutes of all  
5 meetings.

6 ~~(d)~~(e) Each public body shall establish written procedures regarding access to public  
7 records but shall not require written requests for public information available pursuant to § 42-35-  
8 2 or for other documents prepared for or readily available to the public, [including any documents](#)  
9 [reviewed, considered, or submitted at a public meeting of a public body.](#)

10 These procedures must include, but need not be limited to, the identification of a designated  
11 public records officer or unit, how to make a public records request, and where a public record  
12 request should be made, and a copy of these procedures shall be posted on the public body's website  
13 if such a website is maintained and [shall](#) be made otherwise readily available to the public. ~~The~~  
14 ~~unavailability of a designated public records officer shall not be deemed good cause for failure to~~  
15 ~~timely comply with a request to inspect and/or copy public records pursuant to subsection (e).~~ [A](#)  
16 [link to the public body's procedures shall be prominently displayed on the home page of its website,](#)  
17 [including a link to the appropriate webpage if the public body requires that requests be submitted](#)  
18 [to another public body of the state or municipality.](#) A written request for public records need not  
19 be made on a form established by a public body if the request is otherwise readily identifiable as a  
20 request for public records. [The procedures shall allow requests for public records to be submitted](#)  
21 [in person, by regular and electronic mail, and, at the public body's discretion, by fax or online](#)  
22 [portal.](#)

23 [\(f\) A requester's failure to follow the written procedures established by a public body shall](#)  
24 [not, by itself, serve as a basis to fail to comply with a request for public records.](#)

25 [\(g\) If a request for records is sent to a public body other than through the designated public](#)  
26 [records officer or unit, the recipient of the request shall be responsible for forwarding it to the](#)  
27 [designated officer or unit. In such circumstances, the public body shall have an additional five \(5\)](#)  
28 [days to respond to the request, notwithstanding the provisions of § 38-2-7, but shall not be found](#)  
29 [in violation of this chapter for responding beyond this timeframe if the public body has acted in](#)  
30 [good faith in responding.](#)

31 ~~(e)~~(h) A public body receiving a request shall permit the inspection or copying within ten  
32 (10) business days after receiving a request. If the inspection or copying is not permitted within ten  
33 (10) business days, the public body shall forthwith explain in writing the need for additional time  
34 to comply with the request. Any such explanation must be particularized to the specific request



1 made. In such cases the public body may have up to an additional twenty (20) business days to  
2 comply with the request if it can demonstrate with specificity that the voluminous nature of the  
3 request, the number of requests for records pending (in which case the number of pending requests  
4 shall be cited in the response), or the difficulty in searching for and retrieving or copying the  
5 requested records, is such that additional time is necessary to avoid imposing an undue burden on  
6 the public body. The response times established by this subsection, §§ 38-2-3.2(a), and 38-2-  
7 2(4)(D)(II) may be further extended only with the explicit written consent of the requester.

8 (i) The unavailability of a designated public records officer shall not be deemed good cause  
9 for failure to timely comply with a request to inspect and/or copy public records pursuant to  
10 subsection (h) of this section.

11 ~~(j)~~ If a public record is in active use or in storage and, therefore, not available at the time  
12 a person or entity requests access, the custodian shall so inform the person or entity and make an  
13 appointment for the person or entity to examine such records as expeditiously as they may be made  
14 available.

15 ~~(k)~~ Any person or entity requesting copies of public records may elect to obtain them in  
16 any and all media in which the public agency is capable of providing them. Any public body which  
17 maintains its records in a computer storage system shall provide any data properly identified in a  
18 printout or other reasonable format, as requested, including a format allowing the documents to be  
19 searchable electronically where feasible.

20 ~~(l)~~ Nothing in this section shall be construed as requiring a public body to reorganize,  
21 consolidate, or compile data not maintained by the public body in the form requested at the time  
22 the request to inspect the public records was made except to the extent that such records are in an  
23 electronic format and the public body would not be unduly burdened in providing such data.

24 ~~(m)~~ Nothing in this section is intended to affect the public record status of information  
25 merely because it is stored in a computer.

26 ~~(n)~~ No public records shall be withheld based on the purpose for which the records are  
27 sought, nor shall a public body require, as a condition of fulfilling a public records request, that a  
28 person or entity provide a reason for the request or provide personally identifiable information  
29 about him/herself.

30 ~~(o)~~ At the election of the person or entity requesting the public records, the public body  
31 shall provide copies of the public records electronically, by facsimile, or by mail in accordance  
32 with the requesting person or entity's choice, unless complying with that preference would be  
33 unduly burdensome due to the volume of records requested or the costs that would be incurred. The  
34 person requesting delivery shall be responsible for the actual cost of delivery, if any.



1 [\(p\) Any provision in a contractual or other agreement entered into by a public body with a](#)  
2 [third party that purports to keep records confidential that are otherwise public under this chapter](#)  
3 [shall be deemed null and void; nor shall a public body delegate to a private party the determination](#)  
4 [as to what information provided by that party is exempt from disclosure under this chapter.](#)

5 **38-2-3.2. Arrest logs.**

6 (a) Notwithstanding the provisions of § 38-2-3(e), the following information reflecting an  
7 initial arrest of an adult and charge or charges shall be made available within forty-eight (48) hours  
8 after receipt of a request unless a request is made on a weekend or holiday, in which event the  
9 information shall be made available within seventy-two (72) hours, to the extent such information  
10 is known by the public body:

- 11 (1) Full name of the arrested adult;
- 12 (2) Home address of the arrested adult, unless doing so would identify a crime victim;
- 13 (3) Year of birth of the arrested adult;
- 14 (4) Charge or charges;
- 15 (5) Date of the arrest;
- 16 (6) Time of the arrest;
- 17 (7) Gender of the arrested adult;
- 18 (8) Race of the arrested adult; and
- 19 (9) Name of the arresting officer, unless doing so would identify an undercover officer.

20 (b) The provisions of this section shall apply to arrests made within ~~five (5)~~ [thirty \(30\)](#) days  
21 prior to the request, [and the attorney general shall prepare a uniform log form for public bodies to](#)  
22 [use to facilitate compliance with this section.](#)

23 **38-2-3.16. Compliance by agencies and public bodies.**

24 Not later than January 1, 2013, and annually thereafter, the chief administrator of each  
25 agency and each public body shall state in writing to the attorney general that all officers and  
26 employees who have the authority to grant or deny persons or entities access to records under this  
27 chapter have been provided orientation and training regarding this chapter. The attorney general  
28 may, in accordance with the provisions of chapter 35 of title 42, promulgate rules and regulations  
29 necessary to implement the requirements of this section, [and shall annually, and not later than](#)  
30 [March 1, post online a list of those public bodies that have provided the statement required by this](#)  
31 [section, and those public bodies that, having submitted a statement in any previous year, have failed](#)  
32 [to do so for the current year.](#)

33 **38-2-4. Cost.**

34 (a) Subject to the provisions of § 38-2-3, a public body must allow copies to be made or

1 provide copies of public records. The cost per copied page of written documents provided to the  
2 public shall not exceed ~~fifteen cents (\$.15)~~ five cents (\$.05) per page for documents copyable on  
3 common business or legal size paper. A public body may not charge more than the reasonable  
4 actual cost for providing electronic records or retrieving records from storage where the public  
5 body is assessed a retrieval fee.

6 (b) A reasonable charge may be made for the search or retrieval of documents. Hourly costs  
7 for a search and retrieval shall not exceed fifteen dollars (\$15.00) per hour and no costs shall be  
8 charged for the first ~~hour~~ two (2) hours of a search or retrieval or for the first two (2) hours used  
9 for the redaction of documents. No charge shall be imposed for the denial of a request for records.  
10 For the purposes of this subsection, multiple requests from any person or entity to the same public  
11 body within a thirty (30) day time period shall be considered one request.

12 (c) Copies of documents shall be provided and the search and retrieval of documents  
13 accomplished within a reasonable time after a request. A public body upon request, shall provide  
14 an estimate of the costs of a request for documents prior to providing copies.

15 (d) Upon request, the public body shall provide a detailed itemization of the costs charged  
16 for search and retrieval.

17 (e) A public body, the attorney general, and the court ~~may~~ shall reduce or waive the fees  
18 for costs charged for search or retrieval if ~~it determines that~~ the requester demonstrates that the  
19 information requested is in the public interest because it is likely to contribute significantly to public  
20 understanding of the operations or activities of the government and is not primarily in the  
21 commercial interest of the requester. Any requester denied a reduction or waiver of fees, or seeking  
22 to contest the amount of a reduction, by a public body or the attorney general may file suit pursuant  
23 to the provisions of § 38-2-9. The matter shall be reviewed de novo by the court.

24 **38-2-7. Denial of access.**

25 (a) Any denial of the right to inspect or copy records, in whole or in part provided for under  
26 this chapter shall be made to the person or entity requesting the right in writing giving the specific  
27 reasons for the denial within ten (10) business days of the request and indicating the procedures for  
28 appealing the denial. Except for good cause shown, any reason not specifically set forth in the  
29 denial shall be deemed waived by the public body.

30 (b) Failure to comply with a request to inspect or copy the public record within the ten (10)  
31 business day period shall be deemed to be a denial. Except that for good cause shown, this limit  
32 may be extended in accordance with the provisions of § ~~38-2-3(e)~~ 38-2-3(h). All copying and search  
33 and retrieval fees shall be waived if a public body fails to produce requested records in a timely  
34 manner; provided, however, that the production of records shall not be deemed untimely if the

1 public body is awaiting receipt of payment for costs properly charged under § 38-2-4.

2 (c) A public body that receives a request to inspect or copy records that do not exist or are  
3 not within its custody or control shall, in responding to the request in accordance with this chapter,  
4 state that it does not have or maintain the requested records.

5 **38-2-9. Jurisdiction of superior court.**

6 (a) Jurisdiction to hear and determine civil actions brought under this chapter is hereby  
7 vested in the superior court.

8 (b) The court may examine any record which is the subject of a suit in camera to determine  
9 whether the record or any part thereof may be withheld from public inspection under the terms of  
10 this chapter.

11 (c) Actions brought under this chapter may be advanced on the calendar upon motion of  
12 any party, or sua sponte by the court made in accordance with the rules of civil procedure of the  
13 superior court.

14 (d) The court shall impose a civil fine not exceeding ~~two thousand dollars (\$2,000)~~ four  
15 thousand dollars (\$4,000) against a public body or official found to have committed a knowing and  
16 willful violation of this chapter, and a civil fine not to exceed ~~one thousand dollars (\$1,000)~~ two  
17 thousand dollars (\$2,000) against a public body found to have recklessly violated this chapter and  
18 shall award reasonable attorney fees and costs to the prevailing plaintiff. In the instance of a court  
19 having found a knowing and willful violation, the court may also, taking into consideration any  
20 delays in the prosecution and appeal of a request denial, impose a fine of up to one hundred dollars  
21 (\$100) per day for each day that records were improperly withheld, and may further award  
22 compensatory and punitive damages. The court shall further order a public body found to have  
23 wrongfully denied access to public records to provide the records at no cost to the prevailing party;  
24 provided, further, that in the event that the court, having found in favor of the defendant, finds  
25 further that the plaintiff's case lacked a grounding in fact or in existing law or in good faith  
26 argument for the extension, modification, or reversal of existing law, the court may award  
27 attorney's fees and costs to the prevailing defendant. A judgment in the plaintiff's favor shall not  
28 be a prerequisite to obtaining an award of attorney's fees and/or costs if the court determines that  
29 the defendant's case lacked grounding in fact or in existing law or a good faith argument for  
30 extension, modification or reversal of existing law.

31 (e) Any civil fines imposed under this section shall be placed in a restricted receipt account  
32 of the state and shall be used to provide grants to municipalities to support information technology  
33 capabilities that will increase the public's online access to public records.

34 **38-2-14. Information relating to settlement of legal claims.**

1 Settlement agreements of any legal claims against or by a governmental entity shall be  
2 deemed public records.

3 **38-2-15. Reported violations.**

4 Every year the attorney general shall prepare a report summarizing all the complaints  
5 received pursuant to this chapter, which shall be submitted to the legislature and which shall include  
6 information as to how many complaints were found to be meritorious and the action taken by the  
7 attorney general in response to those complaints. The attorney general shall publish on a keyword  
8 searchable website the full text of all findings and decisions issued by the attorney general in  
9 response to those complaints, all advisory opinions issued under this chapter, and the annual reports  
10 issued pursuant to this section

11 SECTION 2. Chapter 38-2 of the General Laws entitled "Access to Public Records" is  
12 hereby amended by adding thereto the following sections:

13 **38-2-17. Traffic accident and improvement data.**

14 Notwithstanding any other provision of this chapter or state law, any records that, under 23  
15 U.S.C. § 407, are not discoverable or admissible in court proceedings or allowed to be considered  
16 for other purposes in damages actions shall nonetheless be deemed public records; provided,  
17 however, the records may not be used for purposes prohibited by that federal statute. When making  
18 the records public, whether in response to a request pursuant to this chapter, or otherwise, a public  
19 body may provide written notice of the aforementioned restrictions on their use.

20 **38-2-18. Preferred license plates.**

21 Notwithstanding any provision of the general laws to the contrary, and to the extend not  
22 prohibited by the Driver's Privacy Protection Act of 1994, 18 U.S.C. § 2721 et seq., the names of  
23 any individuals who obtain a preferred license plate shall be a public record available upon request.  
24 A "preferred license plate" means a license plate of one to four (4) digits, or a combination of one  
25 to two (2) letters and one to three (3) digits, whose issuance is approved by, or subject to the  
26 approval of, the office of the governor.

27 SECTION 3. Section 39-21.1-17 of the General Laws in Chapter 39-21.1 entitled "911  
28 Emergency Telephone Number Act" is hereby amended to read as follows:

29 **39-21.1-17. Confidentiality of calls.**

30 (a) All telephone calls and telephone call transmissions, including electronic text message,  
31 photos or videos, received pursuant to this chapter and all tapes containing records of telephone  
32 calls shall remain confidential and used only for the purpose of handling emergency calls and for  
33 public safety purposes as may be needed for law enforcement, fire, medical, rescue or other  
34 emergency services. ~~The calls shall not be released to any other parties without the written consent~~

1 ~~of the caller whose voice is recorded, or upon order of the court.~~

2 (b) Notwithstanding subsection (a) of this section, calls shall be released to third parties:

3 (1) Upon good cause shown;

4 (2) Upon order of the court; or

5 (3) Upon request, to:

6 (i) The individual placing the call;

7 (ii) Any individual who is heard on the call communicating information to or for the  
8 emergency responder or operator; and

9 (iii) The subject(s) of the call who required emergency services or, if they are incapacitated  
10 or deceased, their next of kin.

11 SECTION 4. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO PUBLIC RECORDS -- ACCESS TO PUBLIC RECORDS

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1           This act would make numerous changes to the access to public records act, including  
2 clarifying various provisions, increasing the sanctions for knowing and willful violations of the  
3 law, and making certain traffic accident data and preferred license plate information public.  
4 Additionally, this act would include a police report of an incident that does not lead to an arrest as  
5 accessible to public records request. Any final reports of investigations conducted by internal  
6 affairs would be accessible to public records request. All police worn body camera footage would  
7 be accessible to public record request and would be made available within thirty (30) days. Arrest  
8 logs made within thirty (30) days of arrest, changed from five (5) days previously, would be  
9 accessible to public records request. A civil fine for public officials who knowingly violate this  
10 chapter would increase from two thousand dollars (\$2,000) to four thousand dollars (\$4,000), and  
11 if a public official recklessly violates this chapter a fine of two thousand dollars (\$2,000) this is a  
12 change from one thousand dollars (\$1,000) previously.

13           This act would take effect upon passage.

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