

SENATE BILL 1963

By Pody

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 4, Part 6 and Title 8, Chapter 44, Part 1, relative to public meetings.

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

SECTION 1. Tennessee Code Annotated, Section 8-44-106, is amended by adding the following as a new subsection:

(e) If a court finds that a governing body knew that a meeting of the body was subject to the requirements of this part and willfully refused to comply, the court may, in its discretion, assess all or part of the reasonable costs incurred by the petitioners in enforcing the provisions of this part, including reasonable attorneys' fees, against the governing body. In determining whether the action of the governing body was willful, the court may consider the testimony and other guidance provided to the governing body by staff of the office of open records counsel created pursuant to § 8-4-601.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.