

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1450

By: Murphey

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to open records; creating the
10 Modernization of Oklahoma Open Records Act; amending
11 51 O.S. 2011, Section 24A.17, which relates to the
12 Oklahoma Open Records Act; providing for appeal of
13 denial of records; providing for noncodification; and
14 providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law not to be
17 codified in the Oklahoma Statutes reads as follows:

18 This act shall be known and may be cited as the "Modernization
19 of Oklahoma Open Records Act".

20 SECTION 2. AMENDATORY 51 O.S. 2011, Section 24A.17, is
21 amended to read as follows:

22 Section 24A.17 A. Any public official who willfully violates
23 any provision of the Oklahoma Open Records Act, upon conviction,
24 shall be guilty of a misdemeanor, and shall be punished by a fine

1 not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in
2 the county jail for a period not exceeding one (1) year, or by both
3 such fine and imprisonment.

4 B. Any person denied access to records of a public body or
5 public official:

6 1. May bring a civil suit for declarative or injunctive relief,
7 or both, but such civil suit shall be limited to records requested
8 and denied prior to filing of the civil suit; ~~and~~ or

9 2. May appeal the denial to the Ethics Commission which upon
10 finding the records request to be meritorious shall order the
11 immediate release of the records; and

12 3. If successful, shall be entitled to reasonable attorney
13 fees.

14 C. If the public body or public official successfully defends a
15 civil suit and the court finds that the suit was clearly frivolous,
16 the public body or public official shall be entitled to reasonable
17 attorney fees.

18 D. A public body or public official shall not be civilly liable
19 for damages for providing access to records as allowed under the
20 Oklahoma Open Records Act.

21 SECTION 3. This act shall become effective November 1, 2013.

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23 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION, dated
24 03/04/2013 - DO PASS, As Amended.