

BILL SUMMARY
1st Session of the 60th Legislature

Bill No.:	HB2163
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Author:	Rep. Pfeiffer
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Research Analysis

HB 2163 creates the position of Public Access Counselor within the Office of the Attorney General. The measure allows a person whose request to inspect or copy a public record is denied by a public body to file a request for review with the Public Access Counselor within 30 days of the denial. The request for review must be in writing and contain a copy of the request for records and any responses from the public body. The measure prohibits a person whose request to inspect a public record is made for a commercial purpose from filing a request for review by the Public Access Counselor. The Public Access Counselor may determine if the denial of the request for review made by the public body is a violation. The Public Access Counselor is to forward a copy of the request to the public body within 7 business days and specify the records or documents that the public body is to furnish to facilitate the review. The public body is to respond to the Public Access Counselor. The Attorney General is to examine the request and response and issue to the public body an advisement in response to the request for review within sixty (60) days after its receipt. Upon receipt of the advisement, the public body must take necessary action promptly and reasonably comply with the Open Records Act or respond to the requester. The Attorney General may also issue advisory opinions to advise public bodies regarding compliance. A public body that relies in good faith on the advice of the Attorney General is not liable for penalties. The measure authorizes the Attorney General to investigate and prosecute any civil or criminal action relating to violations of the Oklahoma Open Records Act, if the Attorney General determines that a civil or criminal prosecution is warranted or to defer such matters to a district attorney.

Prepared By: Brad Wolgamott

Fiscal Analysis

HB2163 establishes the Public Access Counselor Unit within the Office of the Attorney General (OAG), and sets forth duties and administrative procedures for the unit. Additionally, the measure adds an item to the list of the Attorney General's statutorily mandated duties as the chief law officer of the state. Officials with the OAG believe that the agency would be able to administer the provisions of the measure with existing staff. Therefore, in its current form, HB2163 is not anticipated to have a material impact on state budget or appropriations.

Prepared By: Robert Flipping IV, House Fiscal Staff

Other Considerations

None.

