1   SB107

2   164595-2

3   By Senator Orr

4   RFD: Finance and Taxation General Fund

5   First Read: 03-MAR-15

1   SB107

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7   A BILL

8   TO BE ENTITLED

9   AN ACT

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11   Relating to public records; to amend Section

12   36-12-40, Code of Alabama 1975, to prohibit a public officer

13   from charging a copying fee if an individual uses a personal

14   camera or other electronic device to make a copy of a public

15   record.

16   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17   Section 1. Section 36-12-40, Code of Alabama 1975,

18   is amended to read as follows:

19   "§36-12-40.

20   "(a) Every citizen has a right to inspect and take a

21   copy of any public writing record of this state, except as

22   otherwise expressly provided by statute. Provided however,

23   registration and circulation records and information

24   concerning the use of the public, public school or college and

25   university libraries of this state shall be exempted from this

26   section. Provided further, any parent of a minor child shall

27   have the right to inspect the registration and circulation

records of any school or public library that pertain to his or her child. Notwithstanding the foregoing, records concerning security plans, procedures, assessments, measures, or systems, and any other records relating to, or having an impact upon, the security or safety of persons, structures, facilities, or other infrastructures, including without limitation information concerning critical infrastructure (as defined at 42 U.S.C. §5195c(e) as amended) and critical energy infrastructure information (as defined at 18 C.F.R. §388.113(c)(1) as amended) the public disclosure of which could reasonably be expected to be detrimental to the public safety or welfare, and records the disclosure of which would otherwise be detrimental to the best interests of the public shall be exempted from this section. Any public officer who receives a request for records that may appear to relate to critical infrastructure or critical energy infrastructure information, shall notify the owner of such infrastructure in writing of the request and provide the owner an opportunity to comment on the request and on the threats to public safety or welfare that could reasonably be expected from public disclosure on the records.

For the purposes of this section, "public record" does not include personal, non-public information of any Alabama citizen.

"(b) A fee may not be charged if an individual uses a personal camera or other electronic device to make a copy of a public record; provided, however, a reasonable service fee

1   may be charged if a copy must be made in order for the

2   custodian of the record to redact a document or information

3   from a document to protect from disclosure personal,

4   non-public information; provided, however, a copying fee may

5   be charged if a paper copy must be made in order to redact

6   identifying information, as defined in Section 41-13-7, prior

7   to making the record public. A public official may not refuse

8   the use of a personal camera or other electronic device for

9   making copies of a public record unless the camera or other

10   electronic device unduly interferes with the operation of the

11   public office. This subdivision shall not apply to any record

12   converted to digital or electronic format and available to the

13   public by digital or electronic means."

14   (c) Nothing in this act shall apply to the probate

15   courts in Alabama.

16   Section 2. This act shall become effective on the

17   first day of the third month following its passage and

18   approval by the Governor, or its otherwise becoming law.

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3   Senate

4   Read for the first time and referred to the Senate
5   committee on Finance and Taxation General Fund ...   03-MAR-15
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7   Read for the second time and placed on the calen-
8   dar   2 amendments.................................   11-MAR-15
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10   Read for the third time and passed as amended 09-APR-15

11   Yeas 28
12   Nays 0

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15   Patrick Harris
16   Secretary
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