

1 SB107
2 164595-1
3 By Senator Orr
4 RFD: Finance and Taxation General Fund
5 First Read: 03-MAR-15

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8 SYNOPSIS: This bill would prohibit a public officer
9 from charging a copying fee if an individual uses a
10 personal camera or other electronic device to make
11 a copy of a public record.

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13 A BILL
14 TO BE ENTITLED
15 AN ACT

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17 Relating to public records; to amend Section
18 36-12-40, Code of Alabama 1975, to prohibit a public officer
19 from charging a copying fee if an individual uses a personal
20 camera or other electronic device to make a copy of a public
21 record.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 36-12-40, Code of Alabama 1975,
24 is amended to read as follows:

25 "§36-12-40.

26 "(a) Every citizen has a right to inspect and take a
27 copy of any public ~~writing~~ record of this state, except as

1 otherwise expressly provided by statute. Provided however,
2 registration and circulation records and information
3 concerning the use of the public, public school or college and
4 university libraries of this state shall be exempted from this
5 section. Provided further, any parent of a minor child shall
6 have the right to inspect the registration and circulation
7 records of any school or public library that pertain to his or
8 her child. Notwithstanding the foregoing, records concerning
9 security plans, procedures, assessments, measures, or systems,
10 and any other records relating to, or having an impact upon,
11 the security or safety of persons, structures, facilities, or
12 other infrastructures, including without limitation
13 information concerning critical infrastructure (as defined at
14 42 U.S.C. §5195c(e) as amended) and critical energy
15 infrastructure information (as defined at 18 C.F.R.
16 §388.113(c)(1) as amended) the public disclosure of which
17 could reasonably be expected to be detrimental to the public
18 safety or welfare, and records the disclosure of which would
19 otherwise be detrimental to the best interests of the public
20 shall be exempted from this section. Any public officer who
21 receives a request for records that may appear to relate to
22 critical infrastructure or critical energy infrastructure
23 information, shall notify the owner of such infrastructure in
24 writing of the request and provide the owner an opportunity to
25 comment on the request and on the threats to public safety or
26 welfare that could reasonably be expected from public
27 disclosure on the records.

1 "(b) A copying fee may not be charged if an
2 individual uses a personal camera or other electronic device
3 to make a copy of a public record. A public official may not
4 refuse the use of a personal camera or other electronic device
5 for making copies of a public record unless the camera or
6 other electronic device unduly interferes with the operation
7 of the public office."

8 Section 2. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.