

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 249

SENATE BILL 1225

AN ACT

AMENDING SECTION 39-121.02, ARIZONA REVISED STATUTES; RELATING TO PUBLIC RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 39-121.02, Arizona Revised Statutes, is amended to
3 read:
4 39-121.02. Action on denial of access; costs and attorney fees;
5 damages
6 A. Any person who has requested to examine or copy public records
7 pursuant to ~~the provisions of~~ this article, and who has been denied access to
8 or the right to copy such records, may appeal the denial through a special
9 action in the superior court, pursuant to the rules of procedure for special
10 actions against the officer or public body.
11 ~~B. If the court determines that a person was wrongfully denied access~~
12 ~~to or the right to copy a public record and if the court finds that the~~
13 ~~custodian of such public record acted in bad faith, or in an arbitrary or~~
14 ~~capricious manner, the superior court may award to the petitioner legal~~
15 ~~costs, including reasonable attorney fees, as determined by the court.~~
16 B. THE COURT MAY AWARD ATTORNEY FEES AND OTHER LEGAL COSTS THAT ARE
17 REASONABLY INCURRED IN ANY ACTION UNDER THIS ARTICLE IF THE PERSON SEEKING
18 PUBLIC RECORDS HAS SUBSTANTIALLY PREVAILED. NOTHING IN THIS PARAGRAPH SHALL
19 LIMIT THE RIGHTS OF ANY PARTY TO RECOVER ATTORNEY FEES PURSUANT TO SECTION
20 12-341.01, SUBSECTION C, OR ATTORNEY FEES, EXPENSES AND DOUBLE DAMAGES
21 PURSUANT TO SECTION 12-349.
22 C. Any person who is wrongfully denied access to public records
23 pursuant to ~~the provisions of~~ this article shall have HAS a cause of action
24 against the officer or public body for any damages resulting ~~therefrom~~ FROM
25 THE DENIAL.

APPROVED BY THE GOVERNOR MAY 2, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2006.