

REFERENCE TITLE: public records; unduly burdensome requests

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SB 1339

Introduced by
Senator Shooter

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; burdensome request; affirmative defense

6 A. Any person who has requested to examine or copy public records
7 pursuant to this article, and who has been denied access to or the right to
8 copy such records, may appeal the denial through a special action in the
9 superior court, pursuant to the rules of procedure for special actions
10 against the officer or public body.

11 B. The court may award attorney fees and other legal costs that are
12 reasonably incurred in any action under this article if the person seeking
13 public records has substantially prevailed. ~~Nothing in~~ This subsection ~~shall~~
14 **DOES NOT** limit the rights of any party to recover attorney fees, expenses and
15 double damages pursuant to section 12-349.

16 C. Any person who is wrongfully denied access to public records
17 pursuant to this article has a cause of action against the officer or public
18 body for any damages resulting from the denial.

19 **D. IT IS A DEFENSE TO ANY ACTION UNDER THIS ARTICLE THAT THE REQUEST**
20 **FOR ACCESS TO PUBLIC RECORDS IS UNDULY BURDENSOME OR HARASSING.**

21 **E. A REQUEST FOR PUBLIC RECORDS MAY BE UNDULY BURDENSOME IF THE**
22 **REQUEST EITHER:**

23 **1. DOES NOT IDENTIFY THE REQUESTED RECORDS WITH REASONABLE**
24 **PARTICULARITY.**

25 **2. CANNOT BE NARROWED OR REDUCED TO A MANAGEABLE DEGREE AFTER THE**
26 **OFFICER OR PUBLIC BODY BOTH:**

27 **(a) EXPLAINS IN WRITING WHY THE REQUEST IS NOT MANAGEABLE.**

28 **(b) PROVIDES THE PERSON SEEKING THE PUBLIC RECORDS A REASONABLE**
29 **OPPORTUNITY TO NARROW OR REDUCE THE REQUEST TO A MANAGEABLE DEGREE.**