

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

SENATE BILL 1339

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 **BY IDENTIFYING THE RECORDS WITH REASONABLE**
8 **PARTICULARITY**, and who has been denied access to or the right to copy such
9 records, may appeal the denial through a special action in the superior
10 court, pursuant to the rules of procedure for special actions against the
11 officer or public body.
12 B. The court may award attorney fees and other legal costs that are
13 reasonably incurred in any action under this article if the person seeking
14 public records has substantially prevailed. ~~Nothing in~~ This subsection ~~shall~~
15 **DOES NOT** limit the rights of any party to recover attorney fees, expenses and
16 double damages pursuant to section 12-349.
17 C. Any person who is wrongfully denied access to public records
18 pursuant to this article has a cause of action against the officer or public
19 body for any damages resulting from the denial.
20 **D. IT IS A DEFENSE TO ANY ACTION UNDER THIS ARTICLE THAT THE REQUEST**
21 **FOR ACCESS TO PUBLIC RECORDS IS UNDULY BURDENSOME OR HARASSING.**