

HOUSE BILL NO. HB0178

Public records.

Sponsored by: Representative(s) Jennings and Edwards and
Senator(s) Scott

A BILL

for

1 AN ACT relating to public records; requiring the release of
2 public records within a specified time; requiring the
3 designation of a public records custodian of each agency,
4 institution and political subdivision of the state;
5 requiring notice to public records applicants; providing
6 remedies for violations of the public records act; and
7 providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

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11 **Section 1.** W.S. 16-4-202(b), (c) and by creating a
12 new subsection (e) and 16-4-205 are amended to read:

13

14 **16-4-202. Right of inspection; rules and regulations;**
15 **unavailability; designation of public records officer.**

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2 (b) If the public records requested are not in the
3 custody or control of the person to whom application is
4 made, the custodian or authorized person having personal
5 custody and control of the public records shall notify the
6 applicant within seven (7) business days from the date of
7 acknowledged receipt of the request of the unavailability
8 of the records sought, unless good cause exists preventing
9 a response within such time period. The custodian or
10 authorized person having personal custody and control of
11 the public records shall provide the public records
12 requested to the applicant within ten (10) business days
13 from the date of acknowledged receipt of the request,
14 unless good cause exists preventing release within such
15 time period. In the event the applicant is not satisfied
16 that good cause exists, the applicant may petition the
17 district court for a determination as to whether the
18 custodian has demonstrated good cause existed.

19

20 (c) If the public records requested are in the
21 custody and control of the person to whom application is
22 made but are in active use or in storage, and therefore not
23 available at the time an applicant asks to examine them,

1 the custodian or authorized person having personal custody
2 and control of the public records shall notify the
3 applicant of this situation within seven (7) business days
4 from the date of acknowledged receipt of the request,
5 unless good cause exists preventing a response within such
6 time period. In the event the applicant is not satisfied
7 that good cause exists, the applicant may petition the
8 district court for a determination as to whether the
9 custodian has demonstrated good cause existed. If a public
10 record is readily available, it shall be released
11 ~~immediately~~ to the applicant so long as the release does
12 not impair or impede the agency's ability to discharge its
13 other duties. The public record shall be released
14 immediately but in all cases no later than ten (10)
15 business days from the date of acknowledged receipt of the
16 request.

17
18 (e) Each state agency, institution or political
19 subdivision thereof shall designate a person to serve as
20 the custodian for the agency, institution or political
21 subdivision. The custodian shall serve as a point of
22 contact between the agency, institution or political
23 subdivision and applicants seeking public records.

1

2 **16-4-205. Civil penalty; remedies.**

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4 (a) Any person who knowingly or intentionally
5 violates the provisions of this act is liable for a penalty
6 not to exceed seven hundred fifty dollars (\$750.00). The
7 penalty may be recovered in a civil action and damages
8 shall be assessed by the court. Any action pursuant to
9 this ~~section~~subsection shall be initiated by the attorney
10 general or the appropriate county attorney.

11

12 (b) In any proceeding in the district court to
13 determine whether the custodian has demonstrated that good
14 cause existed for failing to provide notice or for failing
15 to release the records as specified in W.S. 16-4-202(b) and
16 (c), the court may award attorney fees or may order a
17 waiver or refund of any fees assessed by a custodian if the
18 court finds that the agency, institution or political
19 subdivision negligently failed to provide notice or release
20 the records.

21

22 (c) Any applicant who has not received the requested
23 public records or notice from the agency, institution or

1 political subdivision within thirty (30) days of submitting
2 the request may file a complaint with the attorney general
3 or, for a request concerning a political subdivision, the
4 appropriate county attorney. Upon receipt of a complaint,
5 the attorney general or appropriate county attorney shall
6 review the complaint and the records request and consider
7 whether a civil action under subsection (a) of this section
8 is appropriate.

9

10 (d) Violation of any provision of this act
11 constitutes sufficient cause for termination of a public
12 employee's employment.

13

14 **Section 2.** This act is effective July 1, 2018.

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16

(END)