

By: Senator(s) Dawkins

To: Judiciary, Division A

SENATE BILL NO. 2672

1 AN ACT TO AMEND SECTION 25-61-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE FEES FOR COSTS INCIDENT TO PROVIDING RECORDS UNDER THE
3 PUBLIC RECORDS ACT; TO AMEND SECTION 25-61-15, MISSISSIPPI CODE OF
4 1972, TO INCREASE THE CIVIL PENALTY FOR WRONGFUL DENIAL OF ACCESS
5 TO PUBLIC RECORDS; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 25-61-7, Mississippi Code of 1972, is
8 amended as follows:

9 25-61-7. (1) Except as provided in subsection (2) of this
10 section, each public body may establish and collect fees
11 reasonably calculated to reimburse it for, and in no case to
12 exceed, the actual cost of searching, reviewing and/or duplicating
13 and, if applicable, mailing copies of public records. Such fees
14 shall be collected by the public body in advance of complying with
15 the request.

16 (2) A public body may establish a standard fee scale to
17 reimburse it for the costs of creating, acquiring and maintaining
18 a geographic information system or multipurpose cadastre as
19 authorized and defined under Section 25-61-1 et seq., or any other
20 electronically accessible data. Such fees must be reasonably
21 related to the cost of creating, acquiring and maintaining the
22 geographic information system, multipurpose cadastre or other
23 electronically accessible data, for the data or information
24 contained therein or taken therefrom and for any records, papers,
25 accounts, maps, photographs, films, cards, tapes, recordings or
26 other materials, data or information relating thereto, whether in
27 printed, digital or other format. In determining the fees or
28 charges under this subsection, the public body may consider the

29 type of information requested, the purpose or purposes for which
30 the information has been requested and the commercial value of the
31 information. However, charges for labor performed by employees of
32 the public body shall not exceed the lowest hourly pay scale of an
33 employee in the public body's administration office. An itemized
34 invoice for the fees or charges shall be presented at the time of
35 delivery to the person requesting the public records.

36 **SECTION 2.** Section 25-61-15, Mississippi Code of 1972, is
37 amended as follows:

38 25-61-15. Any person who shall willfully and knowingly deny
39 to any person access to any public record which is not exempt from
40 the provisions of this chapter shall be liable civilly in a sum
41 not to exceed One Thousand Dollars (\$1,000.00), plus all
42 reasonable expenses incurred by such person bringing the lawsuit.

43 **SECTION 3.** This act shall take effect and be in force from
44 and after July 1, 2005.