

By: Senator(s) Parker

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2577

1 AN ACT TO AMEND SECTION 25-61-5, MISSISSIPPI CODE OF 1972, TO
2 ALLOW PUBLIC BODIES TO DENY EXCESSIVE PUBLIC RECORDS REQUESTS; AND
3 FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 25-61-5, Mississippi Code of 1972, is
6 amended as follows:

7 25-61-5. (1) (a) Except as otherwise provided by Sections
8 25-61-9, 25-61-11, 25-61-11.2 and 37-153-7, all public records are
9 hereby declared to be public property, and any person shall have
10 the right to inspect, copy or mechanically reproduce or obtain a
11 reproduction of any public record of a public body in accordance
12 with reasonable written procedures adopted by the public body
13 concerning the cost, time, place and method of access, and public
14 notice of the procedures shall be given by the public body, or, if
15 a public body has not adopted written procedures, the right to
16 inspect, copy or mechanically reproduce or obtain a reproduction
17 of a public record of the public body shall be provided within one
18 (1) working day after a written request for a public record is



19 made. No public body shall adopt procedures which will authorize
20 the public body to produce or deny production of a public record
21 later than seven (7) working days from the date of the receipt of
22 the request for the production of the record.

23 (b) If a public body is unable to produce a public
24 record by the seventh working day after the request is made, the
25 public body must provide a written explanation to the person
26 making the request stating that the record requested will be
27 produced and specifying with particularity why the records cannot
28 be produced within the seven-day period. Unless there is mutual
29 agreement of the parties, in no event shall the date for the
30 public body's production of the requested records be any later
31 than fourteen (14) working days from the receipt by the public
32 body of the original request.

33 (2) If any public record contains material which is not
34 exempted under this chapter, the public agency shall redact the
35 exempted material and make the nonexempted material available for
36 examination. Such public agency shall be entitled to charge a
37 reasonable fee for the redaction of any exempted material, not to
38 exceed the agency's actual cost.

39 (3) (a) Denial by a public body of a request for access to
40 or copies of public records under this chapter shall be in writing
41 and shall contain a statement of the specific exemption relied
42 upon by the public body for the denial. Each public body shall
43 maintain a file of all denials of requests for public records.



Public bodies shall be required to preserve such denials on file for not less than three (3) years from the date such denials are made. This file shall be made available for inspection or copying, or both, during regular office hours to any person upon written request.

(b) If a public body receives repeated requests for records that disrupt other essential functions of the public body, the public body may refuse to permit inspection of the records or provide copies of the records. A public body refusing to provide access or copies of the public records under this paragraph, shall state in writing the reason supporting the refusal and provide the reasoning to the requester. The requester may seek an opinion from the Ethics Commission on whether the public body's decision was proper. Each public body shall maintain a file of all refusals of requests for public records under this paragraph. Public bodies shall be required to preserve such refusals on file for not less than three (3) years from the date such refusals are made. This file shall be made available for inspection or copying, or both, during regular office hours to any person upon written request.

(4) Where any public body is preparing or conducting a competitive procurement, the time limitations contained in this section shall be tolled until the public body determines it will not issue the procurement, cancels the procurement or issues a notice naming its intended awardee.



69 (5) This section shall stand repealed on July 1, 2028.

70 **SECTION 2.** This act shall take effect and be in force from
71 and after July 1, 2025.

