

## 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.



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

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

64                   (4) Where any public body is preparing or conducting a  
65 competitive procurement, the time limitations contained in this  
66 section shall be tolled until the public body determines it will  
67 not issue the procurement, cancels the procurement or issues a  
68 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.

