

S T A T E O F N E W Y O R K

2057--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. PAULIN, GALEF, WEPRIN -- Multi-Sponsored by -- M. of A. LUPARDO, SWEENEY, THIELE -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public officers law, in relation to attorney's fees where a person or entity fails to prove that an agency should properly withhold records

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 5 of section 89 of the public officers law is
2 amended by adding a new paragraph (i) to read as follows:
3 (I) IN ANY PROCEEDING COMMENCED TO REVIEW AN ADVERSE DETERMINATION
4 PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION IN WHICH THE PERSON OR
5 ENTITY INITIATING SUCH PROCEEDING FAILS TO SUBSTANTIALLY PREVAIL BY
6 PROVING THAT THE RECORDS AT ISSUE MAY PROPERLY BE WITHHELD FROM THE
7 PUBLIC, THE COURT IN SUCH PROCEEDING MAY DIRECT SUCH PERSON OR ENTITY TO
8 REMIT TO THE AGENCY INVOLVED REASONABLE ATTORNEY'S FEES AND OTHER LITI-
9 GATION COSTS REASONABLY INCURRED BY THE AGENCY.
10 S 2. This act shall take effect on the sixtieth day after it shall
11 have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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