

533--A

2015-2016 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2015

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Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public officers law, in relation to freedom of information requests and attorneys' fees

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

1     Section 1. Paragraph (c) of subdivision 4 of section 89 of the public  
2 officers law, as amended by chapter 492 of the laws of 2006, is amended  
3 to read as follows:  
4     (c) The court in such a proceeding may assess, against such agency  
5 involved, reasonable attorney's fees and other litigation costs reason-  
6 ably incurred by such person in any case under the provisions of this  
7 section in which such person has substantially prevailed, [when:  
8     i. the agency had no reasonable basis for denying access; or  
9     ii.] AND/OR WHEN the agency failed to respond to a request or appeal  
10 within the statutory time.  
11     THE COURT IN SUCH PROCEEDING SHALL ASSESS, AGAINST SUCH AGENCY  
12 INVOLVED, REASONABLE ATTORNEY'S FEES AND OTHER LITIGATION COSTS REASON-  
13 ABLY INCURRED BY SUCH PERSON IN ANY CASE UNDER THE PROVISIONS OF THIS  
14 SECTION IN WHICH SUCH PERSON HAS SUBSTANTIALLY PREVAILED AND THE COURT  
15 FINDS THAT THE AGENCY HAD NO REASONABLE BASIS FOR DENYING ACCESS. A  
16 COURT MAY ALSO REQUIRE AGENCY PERSONNEL TO ATTEND TRAINING GIVEN BY THE  
17 COMMITTEE ON OPEN GOVERNMENT AND TO REPORT ALL FREEDOM OF INFORMATION  
18 LAW REQUESTS AND RESPONSES TO THE COMMITTEE FOR A PERIOD OF SIX MONTHS  
19 SUBSEQUENT TO SUCH TRAINING.  
20     S 2. This act shall take effect immediately.

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

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