

# STATE OF NEW YORK

2392

2017-2018 Regular Sessions

## IN SENATE

January 13, 2017

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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~~ attorneys' fees and other litigation  
6 costs reasonably incurred by such person in any case under the  
7 provisions of this section in which such person has substantially  
8 prevailed, [~~when~~

9 ~~i. the agency had no reasonable basis for denying access, or~~  
10 ~~ii.]~~ and when the agency failed to respond to a request or appeal  
11 within the statutory time. The court in such proceeding shall assess,  
12 against such agency involved, reasonable attorneys' fees and other liti-  
13 gation costs reasonably incurred by such person in any case under the  
14 provisions of this section in which such person has substantially  
15 prevailed and the court finds that the agency had no reasonable basis  
16 for denying access.

17 § 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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