STATE OF NEW YORK

2220

2023-2024 Regular Sessions

IN SENATE

January 19, 2023

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public officers law, in relation to prohibiting agencies from charging a fee for records where an electronic copy is already available from a previous request made within the past six months

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraph iii of paragraph (b) of subdivision 1 of section 87 of the public officers law, as amended by a chapter of the laws of 2022 amending the public officers law relating to prohibiting agencies from charging a fee for records where an electronic copy is already available from a previous request made within the past six months, as proposed in legislative bills numbers S. 4863-A and A. 4677-A, is amended to read as follows:

iii. **except when a different fee is otherwise prescribed by statute:**

(1) the fees for **paper** copies of records [~~which~~] shall not exceed twenty-five cents per photocopy not in excess of nine inches by fourteen inches, or the actual cost of reproducing any other record in accordance with the provisions of paragraph (c) of this subdivision[~~, except when a different fee is otherwise prescribed by statute~~].

(2) In the case where an identical record has been prepared for a previous request within the past 6 months and an electronic copy is available, an agency shall not charge a fee[~~. If more than one request is made for an identical record before any such request has been fulfilled, any fees charged by the agency under this subparagraph shall be apportioned equally among the requestors~~] **for the reproduction of such record, except for the actual cost of a storage device or media if one is provided to the requester in complying with such request**.

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 amending the public officers law

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

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relating to prohibiting agencies from charging a fee for records where an electronic copy is already available from a previous request made within the past six months, as proposed in legislative bills numbers S. 4863-A and A. 4677-A, takes effect.