

REFERENCE TITLE: public records; attorney fees

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1693

Introduced by
Senator Gonzales: Representative Hernandez L

AN ACT

AMENDING SECTION 39-121.02, ARIZONA REVISED STATUTES; RELATING TO PUBLIC RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 39-121.02, Arizona Revised Statutes, is amended
3 to read:

4 39-121.02. Action on denial of access; costs and attorney
5 fees; damages

6 A. Any person who has requested to examine or copy public records
7 pursuant to this article,~~—~~ and who has been denied access to or the right
8 to copy such records,~~—~~ may appeal the denial through a special action in
9 the superior court,~~—~~ pursuant to the rules of procedure for special
10 actions against the officer or public body.

11 B. The court may award attorney fees and other legal costs that are
12 reasonably incurred in any action under this article if the person seeking
13 public records has substantially prevailed. **THE COURT MAY NOT AWARD**
14 **ATTORNEY FEES TO AN OFFICER OR PUBLIC BODY IN ANY ACTION UNDER THIS**
15 **ARTICLE.** ~~Nothing in~~ This subsection ~~shall~~ **DOES NOT** limit the rights of
16 any party **THAT IS NOT AN OFFICER OR PUBLIC BODY** to recover attorney fees,
17 expenses and double damages pursuant to section 12-349.

18 C. Any person who is wrongfully denied access to public records
19 pursuant to this article has a cause of action against the officer or
20 public body for any damages resulting from the denial.