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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

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ENROLLED

HOUSE BILL No. H433

(By Delegates Darnon and P. White)

— ● —

Passed March 7 1992

In Effect From Passage

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ENROLLED
H. B. 4433

(By DELEGATES DAMRON AND P. WHITE)

[Passed March 7, 1992; in effect from passage.]

AN ACT to amend and reenact section three, article one, chapter twenty-nine-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section seven, relating to the freedom of information act; establishing requirements for fulfilling requests for records existing in magnetic, electronic or computer form; and authorizing recovery of attorney fees and costs by any person who prevails in a suit brought under the act for denial of access to public records.

Be it enacted by the Legislature of West Virginia:

That section three, article one, chapter twenty-nine-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section seven, to read as follows:

ARTICLE 1. PUBLIC RECORDS.

§29B-1-3. Inspection and copying.

1 (1) Every person has a right to inspect or copy any
2 public record of a public body in this state, except as
3 otherwise expressly provided by section four of this
4 article.

5 (2) A request to inspect or copy any public record of

6 a public body shall be made directly to the custodian of
7 such public record.

8 (3) The custodian of any public records, unless
9 otherwise expressly provided by statute, shall furnish
10 proper and reasonable opportunities for inspection and
11 examination of the records in his or her office and
12 reasonable facilities for making memoranda or ab-
13 stracts therefrom, during the usual business hours, to all
14 persons having occasion to make examination of them.
15 The custodian of the records may make reasonable rules
16 and regulations necessary for the protection of the
17 records and to prevent interference with the regular
18 discharge of his or her duties. If the records requested
19 exist in magnetic, electronic or computer form, the
20 custodian of the records shall make such copies available
21 on magnetic or electronic media, if so requested.

22 (4) All requests for information must state with
23 reasonable specificity the information sought. The
24 custodian, upon demand for records made under this
25 statute, shall as soon as is practicable but within a
26 maximum of five days not including Saturdays, Sundays
27 or legal holidays:

28 (a) Furnish copies of the requested information;

29 (b) Advise the person making the request of the time
30 and place at which he or she may inspect and copy the
31 materials; or

32 (c) Deny the request stating in writing the reasons for
33 such denial.

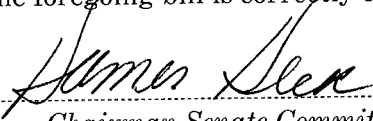
34 Such a denial shall indicate that the responsibility of
35 the custodian of any public records or public body to
36 produce the requested records or documents is at an
37 end, and shall afford the person requesting them the
38 opportunity to institute proceedings for injunctive or
39 declaratory relief in the circuit court in the county
40 where the public record is kept.

41 (5) The public body may establish fees reasonably
42 calculated to reimburse it for its actual cost in making
43 reproductions of such records.

§29B-1-7. Attorney fees and costs.

1 Any person who is denied access to public records
2 requested pursuant to this article and who successfully
3 brings a suit filed pursuant to section five of this article
4 shall be entitled to recover his or her attorney fees and
5 court costs from the public body that denied him or her
6 access to the records.

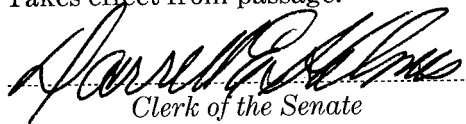
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

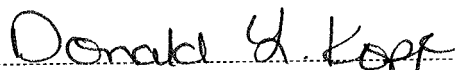

Chairman Senate Committee

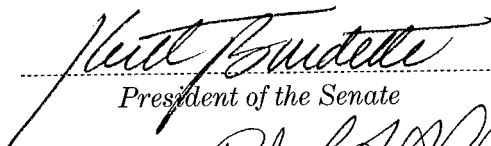

Chairman House Committee

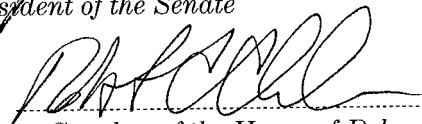
Originating in the House.

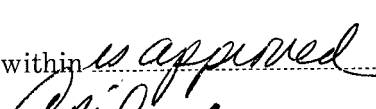
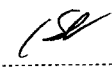
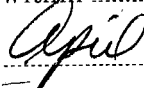
Takes effect from passage.

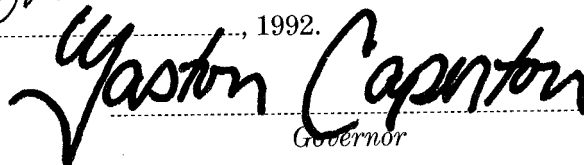

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within  is approved this the 
day of  , 1992.


Governor

PRESENTED TO THE

GOVERNOR

Date

3/21/92

Time

3:45 PM