

WITHDRAWN

Senators Weber of the 40th , Ramsey of the 43rd and Davis of the 22nd offered the following amendment:

1 *Amend HB 1086 (LC 33 3499S) by inserting after the semicolon on line 5 the following:*
 2 to provide for relief and remedies in the case of harassing requests for public records; to
 3 provide for legislative findings; to provide that a request may be denied when fees have not
 4 been paid for a previous request; to provide for superior court actions for equitable relief; to
 5 provide for related matters;

6 *By renumbering Section 3 as Section 4 and inserting a new Section 3 to read as follows:*

SECTION 3.

8 Said Code section is further amended by adding a new subsection to read as follows:

9 "(i)(1) The General Assembly finds that while the provisions of this article serve an
 10 important and beneficial purpose in allowing citizens access to public records which
 11 should be made available to them, certain persons have misused the provisions of this
 12 article for purposes of harassment or other improper purposes.

13 (2) Where a person has previously requested copies of public records from an agency,
 14 has been properly informed by the agency of the fees to be charged under Code Section
 15 50-18-71.2, and has then failed to pay the appropriate fees upon the copies being
 16 provided or made available, the agency may decline any subsequent request by the same
 17 person until the fees have been paid.

18 (3) Where a person has made repeated requests for records to the same agency and such
 19 requests by their number and nature are apparently intended for purposes of harassment
 20 rather than the legitimate obtaining of information, the agency may file in superior court
 21 a petition requesting equitable relief; and the court may after notice and opportunity for
 22 hearing enter an appropriate order relieving the agency from the requirement to respond
 23 to requests of that individual, limiting the number or nature of requests by the person
 24 which the agency shall be required to respond to, or otherwise affording appropriate
 25 relief."