

HOUSE BILL 626

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5 and Title 29, relative to public records requests.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-7-503(a)(7), is amended by adding the following new subdivision (B):

(i) If a person makes a request to view or copy a public record that constitutes harassment, the records custodian charged with fulfilling the request may petition a court of competent jurisdiction for an order to enjoin the person from making records requests and recover fees and costs in accordance with subdivision (a)(7)(B)(ii).

(ii)

(a) A court shall, upon finding that a records request constitutes harassment, enjoin the person who made the request from making a public records request for a period of one (1) year; provided, that the person, while subject to the injunction, may petition the court for permission to make a public records request and the court may approve the petition if the petitioner shows that the public records request does not constitute harassment.

(b) If the court issues an injunction under subdivision (a)(7)(B)(ii)(a), the court shall award to the petitioner reasonable court costs, reasonable attorney's fees, and the records custodian's reasonable costs incurred in producing the requested material, including the costs incurred to produce public records for viewing only.

(iii) As used in this subdivision (a)(7)(B), "harassment" means three (3) or more public records requests within a period of one (1) year:

(a) That are made in a manner that would cause a reasonable person, including a records custodian or any staff of the public entity in control of the public records, to be seriously abused, intimidated, threatened, or harassed;

(b) For which the conduct in fact seriously abuses, intimidates, threatens, or harasses the person; and

(c) That are not made in good faith or for any legitimate purpose, or are made maliciously.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.