

2016 -- H 7600

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LC004718  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO PUBLIC RECORDS -- ACCESS

Introduced By: Representatives McKiernan, Palangio, MacBeth, Carson, and Handy

Date Introduced: February 12, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 38-2-1 and 38-2-5 of the General Laws in Chapter 38-2 entitled  
2 "Access to Public Records" are hereby amended to read as follows:

3           **38-2-1. Purpose.** -- The public's right to access to public records and the individual's  
4 right to dignity and privacy are both recognized to be principles of the utmost importance in a  
5 free society. The purpose of this chapter is to facilitate public access to public records, without  
6 interfering with legislative oversight of programs funded by the legislature. It is also the intent of  
7 this chapter to protect from disclosure information about particular individuals maintained in the  
8 files of public bodies when disclosure would constitute an unwarranted invasion of personal  
9 privacy.

10           **38-2-5. Effect of chapter on broader agency publication -- Existing rights -- Judicial**  
11 **records and proceedings.** -- Nothing in this chapter shall be:

12           (1) Construed as preventing any public body from opening its records concerning the  
13 administration of the body to public inspection;

14           (2) Construed as limiting the right of access as it existed prior to July 1, 1979, of an  
15 individual who is the subject of a record to the information contained herein; or

16           (3) Deemed in any manner to affect the status of judicial records as they existed prior to  
17 July 1, 1979, nor to affect the rights of litigants in either criminal or civil proceedings, including  
18 parties to administrative proceedings, under the laws of discovery of this state.

19           (4) Construed to allow any public or quasi-public agency or body from preventing the

1 general assembly access to records necessary for responsible oversight of programs included in  
2 the state budget.

3 SECTION 2. Chapter 38-2 of the General Laws entitled "Access to Public Records" is  
4 hereby amended by adding thereto the following section:

5 **38-2-2.1. Legislative access. -- (a) The speaker of the house of representatives and the**  
6 **president of the senate, on behalf of the respective chambers, committees, or commissions, shall**  
7 **have access to all records described in the following sections:**

8 (1) §38-2-2(A)(I)(a) as it pertains to items protected by the attorney-client privilege;

9 (2) §38-2-2(4)(B);

10 (3) §38-2-2(E);

11 (4) §38-2-2(H);

12 (5) §38-2-2(I);

13 (6) §38-2-2(J);

14 (7) §38-2-2(K);

15 (8) §38-2-2(N);

16 (9) §38-2-2(P); and

17 (10) §38-2-2(4).

18 (b) The goal of this section is to better enable the house of representatives and senate to  
19 properly oversee state budget provisions, particularly concerning economic development  
20 programs.

21 (c) Any record which is not otherwise a public record, shall not become a public record  
22 by virtue of any request made pursuant to this section. Such requested records shall not be  
23 publicly disclosed by the general assembly.

24 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would grant the general assembly access to limited governmental records,  
2 needed to exercise proper oversight over state budget programs, including economic development  
3 programs.

4           This act would take effect upon passage.

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