

1 IN THE HOUSE

BY STEVENS

2

HOUSE BILL NO. 375

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to inspection of public  
7 records."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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\* Section 1. AS 09.25.110 is amended to read:

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Sec. 09.25.110. INSPECTION AND COPIES OF PUBLIC

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RECORDS. Unless specifically provided otherwise by statute

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the books, records, papers, files, accounts, writings, and

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transactions of all agencies and departments of the state

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and all governing bodies, departments and agencies of each

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city and borough, whether home rule or otherwise, are public

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records and are open to inspection by the public [UNDER

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REASONABLE RULES] during regular office hours. The public

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officer having [THE] custody of a public record [RECORDS]

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shall give on request and payment of costs a certified copy

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of the public record.

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\* Sec. 2. AS 09.25 is amended by adding a new section to read:

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Sec. 09.25.122. PROCEDURE UPON FAILURE TO BE GRANTED

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RIGHT OF INSPECTION. (a) If a person is refused the right

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to inspect a public record, he may submit a sworn statement

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of the facts regarding the refusal, including a description

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of the record sought to be inspected and the name of the

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person who refused to allow its inspection, to the superior

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court in the judicial district where the record is located.

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(b) Upon receipt of a sworn statement under (a) of

1 this section, the court shall issue an order directing the  
2 person having custody of the named record to allow the com-  
3 plaining party to inspect it. If, after service of the order  
4 and a copy of the sworn statement, the complaining party is  
5 not granted an opportunity to inspect the record within the  
6 time specified, the court shall issue an order directing the  
7 person having custody of the record to appear before the  
8 court and show cause why he should not be punished for con-  
9 tempt.

10 (c) The law that is applicable to contempt committed by  
11 a person in the trial of a civil action before the superior  
12 court applies to contempt under this section in regard to

13 (1) the proceeding taken;

14 (2) the penalties imposed; and

15 (3) the way the person charged may purge himself  
16 of the contempt.

17 \* Sec. 3. AS 09.25 is amended by adding a new section to read:

18 Sec. 09.25.124. REPORTING OF REFUSALS TO ALLOW  
19 INSPECTION OF PUBLIC RECORDS. (a) The superior court shall  
20 forward to the legislative council a copy of each sworn  
21 statement received by it under sec. 122 of this chapter.

22 (b) The legislative council shall keep a record of all  
23 statements received under (a) of this section and shall  
24 annually submit to the legislature a report of any findings  
25 or recommendations it may have regarding the inspection of  
26 public records.