

# SENATE BILL No. 324

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-14.

**Synopsis:** Penalties imposed by the public access counselor. Establishes an education fund to fund programs to train public officials and educate the public on the rights of the public and the responsibilities of public agencies under the public access laws. Allows the public access counselor to assess civil penalties against a public agency for violating the public records law. Requires any civil penalties collected to be deposited in the education fund.

**Effective:** July 1, 2008.

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**Mrvan**

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January 10, 2008, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

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**SENATE BILL No. 324**



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 5-14-3-11 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2008]: **Sec. 11. (a) In addition to any other civil or criminal**
- 4 **penalty imposed, if an officer or employee of a public agency**
- 5 **knowingly, intentionally, or recklessly does any of the following,**
- 6 **the public access counselor may impose a civil penalty against the**
- 7 **public agency under this section:**
- 8 (1) **Deny or interfere with a person's request for inspection or**
- 9 **copying of a public record if:**
- 10 (A) **the person's request meets the requirements of this**
- 11 **chapter; and**
- 12 (B) **the record is subject to disclosure by law.**
- 13 (2) **Charge a copying fee that exceeds the amount permitted**
- 14 **by this chapter.**
- 15 (3) **Disclose without authorization or fail to protect**
- 16 **information classified as confidential by state statute.**
- 17 (c) **If the public access counselor determines that a public**



1 agency is subject to a civil penalty under subsection (a), the public  
 2 access counselor may assess a civil penalty against the public  
 3 agency of not more than one thousand dollars (\$1,000).  
 4 (d) Any penalties assessed under this section shall be deposited  
 5 in the education fund established by IC 5-14-4-14.  
 6 (e) A public official or an employee of a public agency is not  
 7 personally liable for a civil penalty imposed under this section.  
 8 SECTION 2. IC 5-14-4-14 IS ADDED TO THE INDIANA CODE  
 9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 10 1, 2008]: **Sec. 14. (a) An education fund is established to fund a**  
 11 **program under section 10(1) of this chapter to train public officials**  
 12 **and educate the public on the rights of the public and the**  
 13 **responsibilities of public agencies under the public access laws.**  
 14 (b) The fund consists of the following:  
 15 (1) Civil penalties collected under IC 5-14-3-11.  
 16 (2) Money appropriated by the general assembly.  
 17 (3) Grants, gifts, contributions, and money received from any  
 18 other source.  
 19 (c) The public access counselor shall administer the fund. The  
 20 following may be paid from money in the fund:  
 21 (1) Expenses of administering the fund.  
 22 (2) Nonrecurring administrative expenses incurred to carry  
 23 out the purposes of this section.  
 24 (d) Money in the fund at the end of a state fiscal year does not  
 25 revert to the state general fund. Money in the fund is continually  
 26 appropriated to the public access counselor for the purposes  
 27 specified in this section.  
 28 (e) The treasurer of state shall invest the money in the fund not  
 29 currently needed to meet the obligations of the fund in the same  
 30 manner as other public funds may be invested. Interest that  
 31 accrues from these investments shall be deposited in the fund.

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