

1 State of Arkansas
2 94th General Assembly
3 First Extraordinary Session, 2023
4

Call Item 4

A Bill

HOUSE BILL 1011

5 By: Representatives J. Mayberry, Crawford, Long, R. Scott Richardson, Rye, Wooten
6 By: Senators B. King, A. Clark
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF
10 1967; TO EXEMPT CERTAIN SECURITY-RELATED RECORDS FROM
11 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT OF
12 1967; TO REQUIRE THAT THE DIVISION OF ARKANSAS STATE
13 POLICE PROVIDE TO THE LEGISLATIVE COUNCIL QUARTERLY
14 REPORTS IDENTIFYING BY MONTH AND BUDGET CATEGORY
15 CERTAIN EXPENSES; TO DECLARE AN EMERGENCY; AND FOR
16 OTHER PURPOSES.
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18

Subtitle

19 TO AMEND THE FREEDOM OF INFORMATION ACT
20 OF 1967; AND TO DECLARE AN EMERGENCY.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 12-8-108(c), concerning information related
27 to the security of the Governor's Mansion and mansion grounds that is not
28 subject to disclosure under the Freedom of Information Act of 1967, is
29 amended to read as follows:

30 (c) Data, records, communications, surveillance footage, security
31 procedures, emergency plans, and other information compiled or possessed by
32 the division concerning the ~~Governor's Mansion and mansion grounds~~ duties
33 performed by the division as required under subsection (a) of this section
34 are confidential and not subject to disclosure under the Freedom of
35 Information Act of 1967, § 25-19-101 et seq.
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1 SECTION 2. Arkansas Code § 12-8-108, concerning the security of the
2 Governor, Governor's Mansion, and State Capitol building and grounds provided
3 by the Division of Arkansas State Police, is amended to add an additional
4 subsection to read as follows:

5 (d)(1) Except as provided under subdivision (d)(2) of this section,
6 the division shall submit to the Legislative Council, or to the Joint Budget
7 Committee if the General Assembly is in session, a report on a quarterly
8 basis that identifies by month and budget category the expenses incurred by
9 the Executive Protection Detail for services provided to the Governor.

10 (2) However, the division shall not include information in the
11 quarterly report required under subdivision (d)(1) of this section if it
12 violates subsection (a) of this section.

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14 SECTION 3. Arkansas Code § 25-19-105(b), concerning specific
15 exemptions to the requirements under the Freedom of Information Act of 1967,
16 is amended to add an additional subdivision to read as follows:

17 (28) Records that reflect the planning or provision of security
18 services provided to the:

19 (A) Governor; or

20 (B) Lieutenant Governor, Attorney General, Secretary of
21 State, Auditor of State, Treasurer of State, Commissioner of State Lands,
22 members of the General Assembly, Justices of the Supreme Court, or Judges of
23 the Court of Appeals.

24
25 SECTION 4. RETROACTIVITY.

26 The following provisions of this act are retroactive to June 1, 2022,
27 with regard to records identifying or otherwise regarding the minor children
28 of the Governor:

29 (1) Section 1 of this act; and

30 (2) Arkansas Code § 25-19-105(b)(28)(A), created in Section 3 of
31 this act.

32
33 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
34 General Assembly of the State of Arkansas that the safety and security of the
35 Governor and other state constitutional officers is of paramount importance
36 to the peace, health, and safety of individuals in the State of Arkansas;

1 that recent threats to certain state constitutional officers and their
2 families illustrate the need for enhanced protection of records pertaining to
3 the security of certain state constitutional officers and their families in
4 order to protect the public peace, health, and safety; that in order to
5 ensure the continuity of state operations and preserve the secure nature of
6 services provided to the Governor and other state constitutional officers,
7 certain records pertaining to the safety and security of the Governor and
8 other state constitutional officers must be confidential; that this act is
9 immediately necessary because making public certain records concerning the
10 safety and security of the Governor and other state constitutional officers
11 would place the lives and security of the Governor and other state
12 constitutional officers at a greater risk, thereby risking the peace, health,
13 and safety afforded to Arkansans. Therefore, an emergency is declared to
14 exist, and this act being immediately necessary for the preservation of the
15 public peace, health, and safety shall become effective on:

16 (1) The date of its approval by the Governor;

17 (2) If the bill is neither approved nor vetoed by the Governor,
18 the expiration of the period of time during which the Governor may veto the
19 bill; or

20 (3) If the bill is vetoed by the Governor and the veto is
21 overridden, the date the last house overrides the veto.

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