

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

Call Item 4

# A Bill

HOUSE BILL 1012

5 By: Representative Ray  
6 By: Senator Hester  
7

## For An Act To Be Entitled

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

## Subtitle

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20 TO AMEND THE FREEDOM OF INFORMATION ACT  
21 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.

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25 SECTION 4. RETROACTIVITY.

26 (a) Section 1 of this act is retroactive to June 1, 2022.

27 (b) Arkansas Code § 25-19-105(b)(28)(A), created in Section 3 of this  
28 act, is retroactive to June 1, 2022.

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30 SECTION 5. DO NOT CODIFY.

31 This act does not limit the ability of Arkansas Legislative Audit to  
32 report information it obtains to the General Assembly.

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34 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the  
35 General Assembly of the State of Arkansas that the safety and security of the  
36 Governor and other state constitutional officers is of paramount importance

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

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

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

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

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