

HOUSE BILL NO. 693

INTRODUCED BY B. MERCER

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING REQUIREMENTS FOR PUBLIC AGENCIES REGARDING PUBLIC INFORMATION THAT IS OR MAY BE PART OF LITIGATION; PROHIBITING AN AGENCY FROM REFUSING TO DISCLOSE PUBLIC INFORMATION SOLELY BECAUSE THE INFORMATION IS OR MAY BE PART OF LITIGATION; AND AMENDING SECTION 2-6-1003, MCA."

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

Section 1. Section 2-6-1003, MCA, is amended to read:

"2-6-1003. Access to public information -- safety and security exceptions -- Montana historical society exception. (1) Except as provided in subsections (2) and (3), every person has a right to examine and obtain a copy of any public information of this state.

(2) A public officer may withhold from public scrutiny information relating to individual or public safety or the security of public facilities, including public schools, jails, correctional facilities, private correctional facilities, and prisons, if release of the information jeopardizes the safety of facility personnel, the public, students in a public school, or inmates of a facility. A public officer may not withhold from public scrutiny any more information than is required to protect individual or public safety or the security of public facilities.

(3) The Montana historical society may honor restrictions imposed by private record donors as long as the restrictions do not apply to public information. All restrictions must expire no later than 50 years from the date the private record was received. Upon the expiration of the restriction, the private records must be made accessible to the public.

(4) A public agency may not refuse to disclose public information because the requested public information is part of litigation or may be part of litigation unless the information is protected from disclosure under another applicable law."

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