

ASSEMBLY BILL NO. 276—ASSEMBLYMEN MATTHEWS, WHEELER,
DICKMAN, BLACK; KASAMA, LEAVITT, MCARTHUR AND TITUS

MARCH 15, 2021

Referred to Committee on Government Affairs

SUMMARY—Makes changes to provisions governing public records. (BDR 19-884)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to public records; revising provisions relating to the relief provided for a requester of a public record who prevails in certain legal proceedings related to a request for a public record; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that all public books and public records of a state or local governmental entity, unless otherwise declared by law to be confidential, are required to be open at all times during office hours for the public to inspect, copy or receive a copy thereof. (NRS 239.010) If a request for inspection, copying or copies of a public book or record is denied, unreasonably delayed or if a person who requests a copy of a public book or record believes that the fee charged by the governmental entity for providing the copy of the public book or record is excessive or improper, existing law authorizes a requester to apply to a district court for an order for relief. If the requester prevails in such a proceeding, the requester is entitled to recover his or her costs and reasonable attorney's fees in the proceeding from the governmental entity that has custody of the book or record. (NRS 239.011)

This bill provides that the requester may recover an amount that is double the cost of the suit, in addition to his or her costs and attorney's fees.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 239.011 is hereby amended to read as follows:
239.011 1. If a request for inspection, copying or copies of a public book or record open to inspection and copying is denied or



1 unreasonably delayed or if a person who requests a copy of a public
2 book or record believes that the fee charged by the governmental
3 entity for providing the copy of the public book or record is
4 excessive or improper, the requester may apply to the district court
5 in the county in which the book or record is located for an order:

6 (a) Permitting the requester to inspect or copy the book or
7 record;

8 (b) Requiring the person who has legal custody or control of the
9 public book or record to provide a copy to the requester; or

10 (c) Providing relief relating to the amount of the fee,

11 ↪ as applicable.

12 2. The court shall give this matter priority over other civil
13 matters to which priority is not given by other statutes. If the
14 requester prevails, the requester is entitled to recover from the
15 governmental entity that has legal custody or control of the record
16 ~~his or her~~ *an amount that is equal to double the* costs *of the suit,*
17 *including, without limitation, costs and reasonable attorney's fees,*
18 and *his or her* reasonable attorney's fees in the proceeding.

19 3. If the governmental entity appeals the decision of the district
20 court and the decision is affirmed in whole or in part, the requester
21 is entitled to recover from the governmental entity that has legal
22 custody or control of the record his or her costs and reasonable
23 attorney's fees for the appeal.

24 4. The rights and remedies recognized by this section are in
25 addition to any other rights or remedies that may exist in law or in
26 equity.

27 **Sec. 2.** This act becomes effective on July 1, 2021.

