

# Legislative Analysis

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**House Bill 5852**

**Sponsor: Rep. Ruth Johnson**

**Committee: Government Operations**

**Complete to 5-17-04**

## A SUMMARY OF HOUSE BILL 5852 AS INTRODUCED 5-4-04

The bill would amend the Freedom of Information Act to specify that an employee of a public body who willfully withholds information that is subject to a request and that is not exempt from disclosure is liable for a civil fine not exceeding \$1,000.

Under current law (MCL 15.240), if a public body denies a request, the requesting person is permitted to commence a civil action in the circuit court to compel the disclosure of the requested material. If the court determines that the public body has “arbitrarily and capriciously” violated the act in refusing or delaying disclosure, the court shall award the requesting person punitive damages of \$500 against the public body (not the individual).

MCL 15.240a

Legislative Analyst: Mark Wolf

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